

SENATE JOURNAL  
REGULAR AND FIRST EXTRAORDINARY  
SESSIONS  
FORTY-FIFTH LEGISLATURE  
STATE OF WASHINGTON  
AT  
OLYMPIA, the State Capitol

Convened Regular Session January 10, 1977.  
Adjourned Regular Session *SINE DIE* March 10, 1977.  
Convened First Extraordinary Session March 11, 1977.  
Adjourned First Extraordinary Session *SINE DIE* June 21, 1977

VOLUME 1

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
AL HENRY, *President Pro Tempore*  
JAMES E. KEEFE, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader*.....GORDON L. WALGREN  
*\*Chairman* .....Robert C. Bailey  
*Assistant Majority Leader*.....DAN MARSH  
*Vice Chairman* .....GEORGE FLEMING  
*\*\*Secretary* .....GARY M. ODEGAARD

\*Robert C. Bailey resigned March 10, 1977

Gordon Sandison elected Chairman March 10, 1977 (resigned June 21, 1977)

\*\*Gary M. Odegaard elected Chairman June 21, 1977

Bruce A. Wilson elected Secretary June 21, 1977

### REPUBLICAN CAUCUS

*Minority Leader* .....JIM MATSON  
*Chairman* .....CHARLES NEWSCHWANDER  
*Floor Leader*.....GEORGE W. CLARKE  
*Minority Whip*.....JOHN D. JONES  
*Assistant Floor Leader*.....R. H. (BOB) LEWIS  
*Vice Chairman*.....F. (PAT) WANAMAKER

*Assistant Secretary*.....BILL GLEASON  
*Sergeant at Arms*.....CHARLES L. R. JOHNSON  
*Secretary to the Secretary*..FLORENCE KENDERESI  
*Reader* .....VERNE SAWYER

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**JOURNAL OF THE SENATE**  
**STATE OF WASHINGTON**  
**FORTY-FIFTH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 10, 1977.

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

The Color Guard, consisting of Pages Matthew Sanglier and Marie Turk, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"WE PAUSE TODAY AT THE OPENING OF THIS STATE SENATE IN THE YEAR OF 1977 TO ASK YOU, GOD, TO PUT US IN STEP AND IN TUNE WITH THE LEADERS WHO PIONEERED IN ESTABLISHING OUR POLITICAL INSTITUTIONS. LET US FOR THAT REASON RECALL THE WORDS OF ALEXANDER HAMILTON IN THE FEDERALIST WHEN HE WROTE: 'HAVE WE NOT ALREADY SEEN ENOUGH OF THE FOLLY AND EXTRAVAGANCE OF THOSE IDLE THEORIES WHICH HAVE AMUSED US WITH PROMISES OF AN EXEMPTION FROM THE IMPERFECTIONS, WEAKNESSES AND EVILS INCIDENT TO SOCIETY IN EVERY SHAPE? IS IT NOT TIME TO AWAKE FROM THE DECEITFUL DREAM OF A GOLDEN AGE AND TO ADOPT AS A PRACTICAL MAXIM FOR THE DIRECTION OF OUR POLITICAL CONDUCT THAT WE, AS WELL AS THE OTHER INHABITANTS OF THE GLOBE ARE YET

REMOTE FROM THE HAPPY EMPIRE OF PERFECT WISDOM — PERFECT VIRTUE.' HELP ALL OF US LORD, TO KNOW OURSELVES AND OUR WEAKNESSES, FOR IN THIS IS TRUE WISDOM AND THEREIN LIES OUR STRENGTH.

"WE ASK THY BLESSING LORD ON THE MEMBERS OF THIS SENATE. WE ASK THY BLESSING ON THOSE WHO HAVE FAITHFULLY SERVED IN THE PAST BUT WHO WILL NOT BE TAKING THEIR ACCUSTOMED SEAT TODAY. WE PRAY ESPECIALLY FOR REUBEN KNOBLAUCH WHO RETIRES AFTER THIRTY YEARS OF SERVICE IN POLITICAL OFFICE. MAY YOU GRANT HIM PEACE AND ENCOURAGEMENT. AMEN."

#### ROLL CALL

The Acting Secretary called the roll of holdover members of the Senate and all were present with the exception of Senator Max E. Benitz: C. W. "Red" Beck, Alan Bluechel, Nancy Buffington, John E. (Jack) Cunningham, George Fleming, Pete Francis, H. A. "Barney" Goltz, Susan E. Gould, Sam C. Guess, Gordon Herr, John D. Jones, August P. Mardesich, James A. McDermott, Sid W. Morrison, John S. Murray, Lois North, Kent Pullen, A. L. "Slim" Rasmussen, Ruthe Ridder, George W. Scott, Peter von Reichbauer, Nat W. Washington, Bruce A. Wilson.

#### MOTION

On motion of Senator Jones, Senator Benitz was excused.

#### APPOINTMENT OF SPECIAL COMMITTEE

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

#### REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. Justice Hicks, the members of the Senate, the staff and the President should like to extend their personal congratulations to you upon your ascension to the Washington Supreme Court and welcome you warmly here this morning in the Washington State Senate. We are very happy that you can be with us."

#### MESSAGE FROM THE SECRETARY OF STATE

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#### DEPARTMENT OF STATE OFFICE OF THE SECRETARY

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January 10, 1977

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

SIR:

I, Bruce K. Chapman, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of persons elected to

the office of State Senator at the General Election held in the several voting precincts in the State of Washington on the second day of November, 1976, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators from the forty-fourth session of the Legislature and that all of the following are entitled to seats in the Senate of the Legislature of the State of Washington, at its forty-fifth biennial session commencing on the tenth day of January, A.D., 1977, as appears from said election returns:

## LIST OF SENATORS ELECTED NOVEMBER 2, 1976

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
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. 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. 14	Jim Matson	Yakima, part
No. 16	Jeannette Hayner	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. "Bob" Bailey	Grays Harbor and Pacific, part
No. 20	Gary Odegaard	Lewis, Wahkiakum and parts of Cowlitz, Pacific and Thurston
No. 22	Del Bausch	Thurston, part
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Gordon Sandison	Clallam, Jefferson, Mason and Thurston, part
No. 25	Marcus S. Gaspard	King, part and Pierce, part
No. 27	Lorraine Wojahn	Pierce, part
No. 28	Charles Newschwander	Pierce, part
No. 39	Frank J. Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part
No. 41	George W. Clarke	King, part
No. 49	Dan Marsh	Clark, part

## LIST OF HOLDOVER SENATORS

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 6	Sam C. Guess	Spokane, part
No. 7	Bruce A. Wilson	Ferry, Lincoln, Pend Oreille, Stevens and parts of Okanogan and Spokane
No. 8	Max E. Benitz	Benton and Yakima, part
No. 13	Nat Washington	Kittitas and parts of Grant and Yakima

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 15	Sid W. Morrison	Yakima, part
No. 21	Sue Gould	Snohomish, part
No. 26	C. W. "Red" Beck	Kitsap, part and Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part
No. 31	Gordon Herr	King, part
No. 32	Pete Francis	King, part
No. 33	John E. "Jack" Cunningham	King, part
No. 34	Nancy Buffington	King, part
No. 35	Ruthe Ridder	King, part
No. 36	John Murray	King, part
No. 37	George Fleming	King, part
No. 38	August Mardesich	Snohomish, part
No. 42	Barney Goltz	Whatcom, part
No. 43	Jim McDermott	King, part
No. 44	Lois North	King, part
No. 45	Alan Bluechel	King, part
No. 46	George Scott	King, part
No. 47	Kent Pullen	King, part
No. 48	John D. Jones	King, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this tenth day of January, A.D., 1977.

BRUCE K. CHAPMAN  
Secretary of State

#### ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: Robert C. Bailey, R. Ted Bottiger, George W. Clarke, William S. "Bill" Day, Hubert F. Donohue, Gary Grant, Al Henry, James E. Keefe, R. H. (Bob) Lewis, Dan Marsh, Jim Matson, Charles E. Newschwander, Gary M. Odegaard, Lowell Peterson, Gordon Sandison, George L. Sellar, Don L. Talley, Ray Van Hollebeke, Gordon L. Walgren, F. (Pat) Wanamaker, Frank J. Woody.

Justice Hicks of the Washington State Supreme Court thereupon administered the oath of office to each of the newly reelected Senators.

The President presented the newly reelected Senators their certificates of election.

#### ROLL CALL

The Acting Secretary called the roll of the following newly elected members of the Senate and all were present: Del Bausch, Marcus Gaspard, Jeannette Hayner, R. Lorraine Wojahn.

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

The President presented the newly elected Senators their certificates of election.

#### ELECTION OF OFFICERS PRESIDENT PRO TEMPORE

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

## REMARKS BY SENATOR DAY

Senator Day: "Thank you, Mr. President and ladies and gentlemen of the Senate. It is indeed a personal honor and privilege for me to place in nomination for the office of President Pro Tem none other than my long time friend and our efficient President Pro Tempore for the last few years, Senator Al Henry. Al is an excellent parliamentarian and, as you know, in the later days can efficiently and with dispatch get this floor moving and in some instances curtail debate and get the bills passed up or down.

"I want to, in addition, say that one of the few things that he does is carry more weight in this particular body than I do. So it is with a great deal of personal pleasure that I give you this excellent nominee, Senator Al Henry of White Salmon, Washington."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. It gives me pleasure to second the nomination. I have had the pleasure of serving with Senator Henry for many years, and also to observe the quick gavel that he exercises, but he exercises it fairly and I am sure that he would continue to do so."

## MOTION

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

## ROLL CALL

The Acting Secretary called the roll and Senator Al Henry was elected President Pro Tempore by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Henry—1.

Excused: Senator Benitz—1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Fleming and Matson as a committee of honor to escort Senator Henry to the rostrum.

Justice Hicks of the Washington State Supreme Court administered the oath of office to Senator Henry.

## REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. It is indeed an honor in behalf of the Senate and the President to congratulate you, Senator Al Henry, on your unanimous election as President Pro Tem. The vote is certainly indicative of the high regard in which you are held by everyone in the Senate and all who know you. I am especially pleased that I shall have once again the opportunity to bask in the sublime glory of your parliamentary ability, Senator Al Henry."

## REMARKS BY SENATOR HENRY

Senator Henry: "Governor, you lost me on that last one. However, my relationship and friendship with the Hicks family goes back some thirty-odd years to the small town of Prosser when I first got interested in politics, and had I known that Floyd was going to be here this morning I would have helped him a little bit on that oath because I notice that at the tail end each time it says, 'uphold the rules of the Washington State Senate.' It does not say anything about the Henry's Rules of Order. That is kind of dear to my heart but I will have to watch a little more carefully as long as you did not take the oath to uphold them.

"I appreciate the support on both sides of the aisle. I have attempted in the past, and I shall continue to try to recognize those people in the order in which they get on their feet to see that everybody gets a fair shot at the legislation that they are interested in that affects their districts and to try in a small way to fill the shoes of the most capable presiding officer that I have ever served with, the Honorable John Cherberg. Thank you very much."

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

## VICE PRESIDENT PRO TEMPORE

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

## REMARKS BY SENATOR SANDISON

Senator Sandison: "Mr. President, I place in nomination the name of Senator James E. Keefe of Spokane. Senator Keefe, while representing Spokane County, has really represented all of us both in the Senate and in the interest of the people of the state of Washington. He has been debonaire. He has been humorous. He has been a good friend to all of us, and he has done an excellent job as Vice President Pro Tem, and I feel he should be retained."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. It gives me pleasure to second the nomination of my long time friend, Senator Keefe.

"I knew him long before I had the privilege of sitting in this august body, and have observed his performance over these many years. Jimmy, it is a pleasure for me to second that nomination."

## MOTION

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

## ROLL CALL

The Acting Secretary called the roll and Senator James E. Keefe was elected Vice President Pro Tempore by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Keefe—1.

Excused: Senator Benitz—1.

### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Guess and Marsh as a committee of honor to escort Senator Keefe to the rostrum.

Justice Hicks of the Washington State Supreme Court administered the oath of office to Senator Keefe.

### REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. Senator Keefe, you are not only number one in the Senate in seniority, you are also number one in the hearts of every member of the Senate and the President. The members, the ladies and gentlemen present, the staff, everyone joins in extending you the heartiest congratulations for your victory and a warm welcome. We are very happy to have you back."

### REMARKS BY SENATOR KEEFE

Senator Keefe: "Thank you, Mr. President, your honor, and ladies and gentlemen of the Senate.

"Thank you very much for your kindness and courtesy for reelecting me to Vice President Pro Tem. I assure you if called upon it will be in my usual fair and impartial manner, so thank you again and I hope we will have an excellent session. Thank you."

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

### SECRETARY OF THE SENATE

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

### REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, members of the Senate. It gives me great privilege to place the name of Sid Snyder in nomination to the office of Secretary of the Senate. I do not think I need to say a lot of words about Sid as we all know him well and the exemplary way he handles his duties as Secretary of the Senate, and I believe he deserves another term in that position."

### REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen of the Senate. It is a pleasure to second the nomination of Sid Snyder. Many of us had the privilege of first working with Sid when he was in the chief clerk's office in the House of Representatives, and we have appreciated the efficiency and the courtesy with which he has operated the Secretary of the Senate's office and the staff that he has provided that have served all of the members of this Senate on both sides of the aisle.

"There is a sign in Long Beach, a neon sign, very bright, and it says, 'Sid's Super.' As far as many of us are concerned the sign here in Olympia should say, 'Super Sid.' It is a pleasure to second the nomination of Sid Snyder."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I also would like to second the nomination just to make sure that Sid makes it, and for those of you who are old timers around here, you will remember that Sid got his training under Si Holcomb who was Chief Clerk of the House for many, many years, and I do not think there was any more knowledgeable person as to legislative procedures than Si Holcomb. That is, until Sid, not only took what he knew, but added his own knowledge to that."

## MOTION

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

## ROLL CALL

The roll was called and Sidney R. Snyder was unanimously elected Secretary of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Benitz—1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bailey and Matson to escort Sidney R. Snyder to the rostrum.

Justice Hicks of the Washington State Supreme Court administered the oath of office to Sidney R. Snyder.

## REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate and ladies and gentlemen. Sid, everybody in the Senate is certainly aware of the highly valuable service that you contribute to every Senator and every member of the staff and the President. We are so fortunate to have the best Secretary of the Senate that this land has ever produced. You do a grand job and anything other would be superfluous to say. How about favoring us with a few remarks."

## REMARKS BY SIDNEY R. SNYDER

Mr. Snyder: "Mr. President, members of the Senate. I thank all of you for your kind words and your vote of support. I only hope that you are saying the same kind things when the session draws to a close. We think we have an excellent staff to help assist you through the session, and we are going to do everything we can to assist in getting out of here in a reasonable length of time. Thanks again."

The committee of honor escorted Sidney R. Snyder from the Senate Chamber and the committee was discharged.



## SERGEANT AT ARMS

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

## REMARKS BY SENATOR HENRY

Senator Henry: "Mr. President and fellow Senators, for those of you who have served in this body, my words will be not needed. For the newcomers to this body, I want to recommend for your approval our Sergeant at Arms, Charlie Johnson. This is the thirteenth time I have nominated him, and I have told him each time that if he did not perform well he would wind up with two broken legs. So, with your unanimous approval, I hope we will again have Charlie Johnson as our Sergeant at Arms. He will do everything he can to help each and every one of you."

## REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Thank you, Mr. President and members of the Senate. I would like to second the nomination of Charlie Johnson as Sergeant at Arms of the Senate.

"When I first came to the Senate I used to nominate old Charlie Gerald, and after a couple sessions of that, I found out I could not beat 'em, so I decided I would join 'em. Since I have joined 'em, he takes pretty good care of our side of the floor also. So, it is a pleasure to nominate Charlie Johnson for Sergeant at Arms."

## REMARKS BY SENATOR HERR

Senator Herr: "Thank you, Mr. President and members of the Senate. I would just like to second the nomination of Charlie Johnson. I have served here twelve years, and to me, he has been a fine gentleman and he is very bipartisan. He tries to serve all of the members alike. He is a tremendous fellow."

## MOTION

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

## ROLL CALL

The Secretary called the roll and Charlie Johnson was unanimously elected Sergeant at Arms of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Benitz—1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Herr and North as a committee of honor to escort Charlie Johnson to the rostrum.

Justice Hicks of the Washington State Supreme Court administered the oath of office to Charlie Johnson.

## REMARKS BY THE PRESIDENT

President Cherberg: "Members of the Senate, ladies and gentlemen. Charlie, you are certainly deserving of the heartiest congratulations. To receive the unanimous approval of the Senate is truly an honor, and we would love to have you say a few words to the members."

## REMARKS BY CHARLIE JOHNSON

Mr. Johnson: "Mr. President, Judge, Father Treacy, my good friend, Al Henry. Thank you very much. I appreciate what you did for me today after twenty years of serving in the Senate, and I will do my best for the next few years. Thank you very much."

The committee of honor escorted Charlie Johnson from the Senate Chamber and the committee was discharged.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bausch and Newschwander to escort the Honorable Tom Allen, Mayor of Olympia, and Wesley Barclift, Mayor of Tumwater, to a place of honor upon the rostrum.

With permission of the Senate, business was suspended to allow the honored guests to address the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

## MOTION

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

## SENATE RESOLUTION 1977-1

By Senators Bailey, Walgren, Matson and Newschwander:

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

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bausch, Gaspard, Hayner and Wojahn as a committee of four to notify the House that the Senate is organized and ready to transact business.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1977-2

By Senators Bailey, Walgren, Matson and Newschwander:

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

## MOTION

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

## SENATE RESOLUTION 1977-3

By Senators Bailey, Walgren, Matson and Newschwander:

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 every seventh day of the session 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.

## PERSONAL PRIVILEGE

Senator Walgren: "Mr. President, by way of explanation to the members of the Senate, we have before us a number of Senate short titles and referrals that would ordinarily be introduced today. I think it would be appropriate if we held those over until tomorrow so everybody can have an opportunity of looking to see where those particular bills are being referenced, and I would appreciate your indulgence in this regard, and that they would be read in tomorrow."

## POINT OF INQUIRY

Senator Rasmussen: "Mr. President, may I ask Senator Walgren, would it be permissible to advise the body that any of the bills that they would like to join on, that they notify the Secretary? If they would do that this afternoon, it would save a lot of time tomorrow morning when they all decide to get on."

## REMARKS BY THE PRESIDENT

President Cherberg: "Thank you, Senator Rasmussen. Senator Rasmussen's remarks are well taken if the prime sponsor approves."

## COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Berentsen, Charette and Thompson appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

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

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Bausch, Gaspard, Hayner and Wojahn 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 was discharged.

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

## MESSAGE FROM THE HOUSE

January 10, 1977.

Mr. President: The House has adopted:  
 HOUSE CONCURRENT RESOLUTION NO. 3,  
 HOUSE CONCURRENT RESOLUTION NO. 5, and the same are herewith  
 transmitted.

ROSALIE GITTINGS, Assistant Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 3, by Representatives King  
 and Berentsen:

Notifying the Governor that the legislature is organized.

## MOTIONS

On motion of Senator Walgren, House Concurrent Resolution No. 3 was  
 advanced to second reading and read the second time in full.

On motion of Senator Walgren, House Concurrent Resolution No. 3 was  
 advanced to third reading, the second reading considered the third, and the resolu-  
 tion was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Beck, Ridder and Scott to serve as a com-  
 mittee of three from the Senate, in accordance with House Concurrent Resolution  
 No. 3, to join with a like committee from the House to notify the Governor that the  
 legislature is organized and ready to transact business.

## MOTION

On motion of Senator Walgren, the appointees were confirmed.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 5, by Representatives King  
 and Berentsen:

Calling joint session to canvass the vote of elective state officers, receive mes-  
 sage from Governor Evans and to inaugurate Governor-elect Dixy Lee Ray.

## MOTIONS

On motion of Senator Walgren, House Concurrent Resolution No. 5 was  
 advanced to second reading and read the second time in full.

On motion of Senator Walgren, House Concurrent Resolution No. 5 was  
 advanced to third reading, the second reading considered the third, and the resolu-  
 tion was adopted.

## MOTION

At 1:55 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00  
 a.m., Tuesday, January 11, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, January 11, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Francis, Grant, Guess and Woody. On motion of Senator Jones, Senator Benitz was excused. There being no objection, Senator Guess was excused. On motion of Senator Odegaard, Senators Francis, Grant and Woody were excused.

The Color Guard consisting of Pages Jan (Yahn) Vulto and Alisa Walker presented the Colors. Father Matthew Naumes, of Saint Martin's Abbey of Olympia, offered the following prayer:

"O LORD YOU HAVE GIVEN THIS PART OF THE WORLD TO US AS A HOME. ITS JUSTICE, PROSPERITY, AND RESOURCES ARE OUR RESPONSIBILITY. WE ASK YOU TO ENDOW THOSE WHO REPRESENT YOUR PEOPLE WITH WISDOM TO MAKE JUSTICE A REALITY, PROSPERITY THE BELSSING OF ALL. TEACH THE RIGHT AND REASONABLE MANNER OF HUSBANDING THE RICH RESOURCES WHICH ARE OURS. WE THANK YOU FOR THE GOOD SERVICE OF GOVERNOR DAN EVANS AND ALL THOSE WHO LEAVE THE ADMINISTRATION OF THIS STATE. BLESS THEM FOR THEIR ACCOMPLISHMENTS AND EFFORTS. GUARD THEIR FAMILIES. PROSPER THEIR NEW UNDERTAKINGS. WE REMEMBER THE LIVES AND MANNER OF DEATH OF THOSE WHO PROTECTED OUR REPUBLIC AND STATE WITH THEIR FORTUNE AND HONOR IN THE DEFENSE OF OUR LIBERTIES. CALL THEM TO YOUR LIGHT AND PEACE. MAY YOUR GOODNESS AND LOVE BE ALWAYS EXPRESSED IN OUR THOUGHTS, WORDS AND DEEDS. THIS WE ASK IN YOUR HOLY NAME. AMEN."

**MOTION**

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

**REPORT OF SPECIAL COMMITTEE**

The special committee consisting of Senators Beck, Ridder and Scott appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 3, that the legislature was organized and ready to transact business.

The report was received and the committee discharged.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SENATE BILL NO. 2001, by Senators Henry, Beck and Guess:

AN ACT Relating to criminal procedure; establishing a death penalty proceed-

ing; amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040; adding a new chapter to Title 10 RCW; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Henry, Senator Guess was permitted as an additional sponsor to Senate Bill No. 2001.

SENATE BILL NO. 2002, by Senator Beck:

AN ACT Relating to penal institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040; and prescribing a penalty.

#### MOTION

On motion of Senator Day, Senate Bill No. 2002 was referred to the Judiciary Committee.

SENATE BILL NO. 2003, by Senator Talley:

AN ACT Relating to recidivists; adding a new section to chapter 9A.20 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2004, by Senators Goltz, Marsh, Bailey, Beck and Talley:

AN ACT Relating to real property tax exemptions; and amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2005, by Senator Rasmussen:

AN ACT Relating to counties; 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 Local Government.

SENATE BILL NO. 2006, by Senators Gould, Goltz, Washington and Jones:

AN ACT Relating to the public health, welfare, and safety; creating new sections; defining crimes; and prescribing penalties.

Referred to Committee on Ecology.

SENATE BILL NO. 2007, by Senator Talley:

AN ACT Relating to shellfish; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2008, by Senators Rasmussen and Day:

AN ACT Relating to state government; amending section 43.34.040, chapter 8, Laws of 1965 and RCW 43.34.040; amending section 43.82.020, chapter 8, Laws of 1965 and RCW 43.82.020; amending section 4, chapter 217, Laws of 1973 1st ex. sess. and RCW 43.83.116; and providing for a referendum to the people.

Referred to Committee on State Government.

SENATE BILL NO. 2009, by Senators Rasmussen, Day, Beck, Jones, Wanamaker and Bottiger:

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381; amending section 3, chapter 182, Laws of 1974 ex. sess.

and RCW 84.36.385; and amending section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2010, by Senators Rasmussen and Talley:

AN ACT Relating to veterans; and amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110.

Referred to Committee on Transportation.

SENATE BILL NO. 2011, by Senator Benitz:

AN ACT Relating to state highways; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2012, by Senators Wilson, Scott, Ridder and Sellar:

AN ACT Relating to industrial insurance; and amending section 1, chapter 20, Laws of 1971 as last amended by section 1, chapter 79, Laws of 1975 1st ex. sess. and RCW 51.12.035.

Referred to Committee on Labor.

SENATE BILL NO. 2013, by Senators Herr and Rasmussen:

AN ACT Relating to the establishment and operation of a state lottery; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; creating new sections; and making an appropriation.

#### MOTION

On motion of Senator Marsh, Senate Bill No. 2013 was referred to the Committee on Senate Government.

SENATE BILL NO. 2014, by Senators Wilson and Jones:

AN ACT Relating to Indians; amending section 95, page 117, Laws of 1854 as last amended by section 1069, Code of 1881 and RCW 10.52.020; amending section 1, chapter 177, Laws of 1903 and RCW 27.28.010; amending section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010; repealing section 29.85.150, chapter 9, Laws of 1965 and RCW 29.85.150; and repealing section 2, page 500, Laws of 1890 and RCW 64.20.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2015, by Senators Wilson, Donohue and Matson:

AN ACT Relating to excise taxes on real estate transfers; and amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2016, by Senators Murray and Scott (by Executive Request of Governor

AN ACT Relating to the state civil service law; and adding a new section to chapter 41.06 RCW.

Evans):

Referred to Committee on State Government.

SENATE BILL NO. 2017, by Senators Marsh, Murray and von Reichbauer (by Executive Request of Governor Evans):

AN ACT Relating to the department of personnel; amending section 3, chapter 1, Laws of 1961 and RCW 41.06.030; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW

41.06.070; amending section 1, chapter ... (HB ...), Laws of 1977 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 13, chapter 1, Laws of 1961 and RCW 41.06.130; amending section 14, chapter 1, Laws of 1961 and RCW 41.06.140; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; amending section 22, chapter 1, Laws of 1961 and RCW 41.06.220; amending section 24, chapter 1, Laws of 1961 and RCW 41.06.240; amending section 26, chapter 1, Laws of 1961 and RCW 41.06.260; amending section 27, chapter 1, Laws of 1961 and RCW 41.06.270; amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280; amending section 1, chapter 45, Laws of 1969 and RCW 41.06.300; amending section 1, chapter 152, Laws of 1969 ex. sess. and RCW 41.06.350; amending section 1, chapter ... (HB ...), Laws of 1977 and RCW 43.17.010; amending section 2, chapter ... (HB ...), Laws of 1977 and RCW 43.17.020; and repealing section 9, chapter 1, Laws of 1961 and RCW 41.06.090.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Marsh, Senator von Reichbauer was permitted as an additional sponsor to Senate Bill No. 2017.

**SENATE BILL NO. 2018**, by Senators Rasmussen and McDermott:

AN ACT Relating to the state canal commission; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

**SENATE BILL NO. 2019**, by Senator Rasmussen:

AN ACT Relating to legal publications; adding new sections to chapter 65.16 RCW; repealing section 36.72.050, chapter 4, Laws of 1963, section 1, chapter 43, Laws of 1969 ex. sess., section 1, chapter 28, Laws of 1973 1st ex. sess. and RCW 36.72.050; and repealing section 4, chapter 99, Laws of 1921, section 1, chapter 140, Laws of 1947, section 1, chapter 186, Laws of 1955, section 1, chapter 57, Laws of 1967 ex. sess., section 2, chapter 28, Laws of 1973 1st ex. sess. and RCW 65.16.090.

Referred to Committee on Local Government.

**SENATE BILL NO. 2020**, by Senator Rasmussen:

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2021**, by Senators Odegaard and Talley:

AN ACT Relating to the Puget Island ferry; and amending section 1, chapter 254, Laws of 1971 ex. sess. as amended by section 1, chapter 26, Laws of 1973 2nd ex. sess. and RCW 47.56.720.

Referred to Committee on Transportation.

**SENATE BILL NO. 2022**, by Senators Odegaard and Talley:

AN ACT Relating to highways; providing for the operation and maintenance of the Puget Island ferry; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2023**, by Senators Guess, Beck and Henry:

AN ACT Relating to counties; and adding a new section chapter 36.77 RCW.

Referred to Committee on Local Government.



SENATE BILL NO. 2024, by Senators Guess, Beck and Henry:

AN ACT Relating to counties; adding a new chapter to Title 36 RCW; repealing section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272; repealing section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274; repealing section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276; repealing section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278; and repealing section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220.

Referred to Committee on Local Government.

SENATE BILL NO. 2025, by Senator Benitz:

AN ACT Relating to public disclosure; and amending section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310.

Referred to Judiciary Committee.

SENATE BILL NO. 2026, by Senators Guess, Beck and Henry:

AN ACT Relating to eminent domain; and amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180.

#### MOTION

On motion of Senator Marsh, Senate Bill No. 2026 was referred to the Judiciary Committee.

SENATE BILL NO. 2027, by Senator Rasmussen:

AN ACT Relating to labor unions; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2028, by Senator Herr:

AN ACT Relating to operation of vessels and boating; and adding a new chapter to Title 88 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2029, by Senators Beck and Washington (by American Revolution Bicentennial Commission request):

AN ACT Relating to the abolition of the American revolution bicentennial commission of the state of Washington; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2030, by Senator Buffington:

AN ACT Relating to education; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 2031, by Senator Beck:

AN ACT Relating to the recall of public officials; amending section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; adding new sections to chapter 29.82 RCW; repealing section 29.82.010, chapter 9, Laws of 1965, section 1, chapter 47, Laws of 1975-'76 2nd ex. sess. and RCW 29.82.010; repealing section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.020; repealing section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2032, by Senators Beck and North:

AN ACT Relating to minor political parties; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.01.100, chapter 9, Laws of 1965 and RCW 29.01.100; amending section 29.18.020, chapter 9, Laws

of 1965 and RCW 29.18.020; amending section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150; amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080; amending section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; adding new sections to chapter 29.18 RCW; repealing section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; repealing section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; repealing section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; repealing section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; repealing section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; repealing section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; repealing section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; repealing section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080; repealing section 29.24.090, chapter 9, Laws of 1965 and RCW 29.24.090; and declaring an emergency.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 2033**, by Senators Rasmussen, Woody and Pullen (by Lieutenant Governor request):

AN ACT Relating to state government; creating a new department of adult corrections; amending section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010; amending section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 7, chapter 134, Laws of 1967 and RCW 72.04A.050; amending section 18, chapter 134, Laws of 1967 and RCW 72.04A.110; amending section 1, chapter 17, Laws of 1967 and RCW 72.65.010; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 3, chapter 20, Laws of 1973 and RCW 72.66.012; amending section 4, chapter 20, Laws of 1973 and RCW 72.66.014; amending section 7, chapter 20, Laws of 1973 and RCW 72.66.022; amending section 8, chapter 20, Laws of 1973 and RCW 72.66.024; amending section 10, chapter 20, Laws of 1973 and RCW 72.66.028; amending section 11, chapter 20, Laws of 1973 and RCW 72.66.032; amending section 12, chapter 20, Laws of 1973 and RCW 72.66.034; amending section 14, chapter 20, Laws of 1973 and RCW 72.66.038; amending section 15, chapter 20, Laws of 1973 and RCW 72.66.042; amending section 6, chapter 58, Laws 1971 ex. sess. and RCW 72.66.050; amending section 9, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.080; amending section 10, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.090; adding a new chapter to Title 72 RCW; and declaring an emergency.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2033 was referred to the Committee on State Government.

**SENATE BILL NO. 2034**, by Senator Beck:

AN ACT Relating to elections; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055; amending section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and

RCW 29.10.080; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060; amending section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; amending section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030; amending section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060; amending section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170; amending section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020; amending section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030; amending section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100; amending section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; amending section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020; amending section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200;

amending section 29.82.090, chapter 9, Laws of 1965 and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100; amending section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 9, Laws of 1965 and to chapter 29.36 RCW; adding a new section to chapter 29.48 RCW; adding a new section to chapter 29.54 RCW; repealing section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; repealing section 1, chapter 61, Laws of 1973 1st ex. sess. and RCW 29.36.097; repealing section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040; repealing section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050; repealing section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; repealing section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110; repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130; repealing section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010; repealing section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020; repealing section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030; repealing section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040; repealing section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050; repealing section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060; repealing section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070; repealing section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080; repealing section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910; repealing section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; repealing section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150; and providing an effective date.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 2035**, by Senators Buffington and Rasmussen:

AN ACT Relating to state government; adding a new chapter to Title 42 RCW; defining crimes; and prescribing penalties.

Referred to Committee on State Government.

**SENATE BILL NO. 2036**, by Senators Beck, McDermott, Talley and Bottiger:

AN ACT Relating to nursing homes; amending section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2037, by Senator Beck:

AN ACT Relating to taxes on hearing aids; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2038, by Senator Talley:

AN ACT Relating to food fish and shellfish; and amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2039, by Senators Talley and Odegaard:

AN ACT Relating to state highways; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2040, by Senators Fleming, North and Talley:

AN ACT Relating to jails; amending section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440; amending section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160; amending section 35.24.290, chapter 7, Laws of 1965 as amended by section 10, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.290; amending section 35.27.240, chapter 7, Laws of 1965 as amended by section 1, chapter 125, Laws of 1965 and RCW 35.27.240; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 15, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.370; adding a new chapter to Title 70 RCW; repealing sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110; repealing section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120; repealing sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250; repealing sections 1 through 9, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.010 through 36.63A.910; repealing sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440; repealing section 2214, Code of 1881 and RCW 70.20.140; repealing section 32, chapter 171, Laws of 1961 and RCW 72.01.420; making an appropriation; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2041, by Senators Talley, Murray, Beck, Peterson, Sellar and Bottiger:

AN ACT Relating to the training of pilots of bulk cargo carriers; amending section 9, chapter 18, Laws of 1935 as last amended by section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; adding new sections to chapter 88.16 RCW; creating a new section; and making appropriations.

Referred to Committee on Transportation.

SENATE BILL NO. 2042, by Senators Talley, Murray, Beck, Peterson Sellar and Bottiger:

AN ACT Relating to pilotage; and amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090.

Referred to Committee on Transportation.

SENATE BILL NO. 2043, by Senator Wojahn:

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

Referred to Committee on State Government.

SENATE BILL NO. 2044, by Senator Wojahn:

AN ACT Relating to revenue and taxation; and amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2045, by Senators Wojahn and Cunningham:

AN ACT Relating to revenue and taxation; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 13, Laws of 1971 and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2046, by Senator Wojahn:

AN ACT Relating to state government; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 6, chapter 234, Laws of 1959 as amended by section 5, chapter 237, Laws of 1967 and RCW 34.04.060; adding new sections to chapter 34.04 RCW; repealing section 1, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.010; repealing section 2, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.020; repealing section 3, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.030; repealing section 4, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.900; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2047, by Senators Day, von Reichbauer and Wanamaker:

AN ACT Relating to homemaker/home health services; and amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2048, by Senators Day, von Reichbauer, Wanamaker and Talley:

AN ACT Relating to the cemetery board; amending section 31, chapter 290, Laws of 1953 and RCW 68.05.040; and amending section 32, chapter 290, Laws of 1953 and RCW 68.05.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2049, by Senators Day, von Reichbauer and Van Hollebeke:

AN ACT Relating to polling places; amending section 29.48.005, chapter 9, Laws of 1965 and RCW 29.48.005; and adding a new section to chapter 29.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2050, by Senators Day, von Reichbauer and Beck:

AN ACT Relating to speech pathologists and audiologists; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2051, by Senators Donohue, Matson and Odegaard (by Executive Request of Governor Evans):

AN ACT Relating to expenditures by state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures for the

fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making other appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2052, by Senators Odegaard, Wilson, Clarke and Guess:

AN ACT Relating to mobile homes; amending section 46.16.100, chapter 12, Laws of 1961 as last amended by section 18, chapter 25, Laws of 1975 and RCW 46.16.100; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; adding new sections to chapter 46.44 RCW; creating new sections; repealing section 20, chapter 231, Laws of 1971 ex. sess., section 6, chapter 103, Laws of 1973 and RCW 46.16.104; repealing section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105; repealing section 22, chapter 231, Laws of 1971 ex. sess., section 7, chapter 103, Laws of 1973 and RCW 46.16.106; repealing section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2053, by Senators Donohue, Matson and Odegaard (by Executive Request of Governor Evans):

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; designating effective dates for certain appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2054, by Senators Donohue, Matson and Odegaard (by Executive Request of Governor Evans):

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 101, by Senators Wilson, Lewis, Donohue and Guess:

Memorializing the President and Congress to adopt a federal constitutional amendment that would require balanced federal budgets with certain exceptions.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 101, by Senators Marsh and Murray (by Executive Request of Governor Evans):

Amending the Constitution to authorize the governor to organize and reorganize the executive branch of state government.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 102, by Senators Lewis, Sellar, Bluechel and Morrison:

Permitting constitutional amendments to include several sections within a single article, or several sections relating to one subject.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Sandison, Clarke, Goltz, Wilson, Talley and Bluechel:

Establishing the joint legislative committee on Washington/British Columbia cooperation.

Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 102, by Senators Herr and Mardesich:

Calling for a limit on a 1977 special session.  
Referred to Committee on Rules.

MOTIONS

On motion of Senator Walgren, the Committee on State Government was relieved from further consideration of Senate Concurrent Resolution No. 101.

On motion of Senator Walgren, Senate Concurrent Resolution No. 101 was referred to the Committee on Rules.

There being no objection, additional sponsors were permitted on the following Senate Bills: 2009, 2012, 2015, 2036, 2041, 2042, 2048, 2052; Senate Joint Memorial 101, Senate Joint Resolution 102, Senate Concurrent Resolution 101.

At 11:26 a.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of hearing the farewell address of the Honorable Daniel J. Evans, Governor of the state of Washington.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, Lieutenant Governor John A. Cherberg, the President Pro Tempore of the Senate, Al Henry, and the Vice President Pro Tempore of the Senate, James E. Keefe, to seats on the rostrum beside the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators to seats within the House.

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

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Benitz, Francis, Grant, Guess and Woody, who were excused.

The Speaker: "The Joint Session is called for the purpose of canvassing the votes cast for and against referendums and initiatives which appeared on the ballot at the last general election, and also to canvass the vote for constitutional elective officers of the state of Washington."

MESSAGE FROM THE SECRETARY OF STATE

Department of State  
January 10, 1977

TO THE HONORABLE,  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
THE LEGISLATURE OF THE STATE OF WASHINGTON  
OLYMPIA, WASHINGTON

Sir:

I have the honor of herewith submitting a recapitulation of the votes cast on state measures and on federal and statewide offices at the State General Election held throughout the State of Washington on the second day of November, 1976, as canvassed by me from the returns made to this department by the respective County Auditors of the State.

Initiative Measure 322

"Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?"

YES ..... 469,929  
NO ..... 870,631

Initiative Measure 325



"Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?"

YES ..... 482,953  
NO ..... 963,756

Referendum Bill 36

"Shall certain appointed state officers be required to file reports of their financial affairs with the Public Disclosure Commission?"

YES ..... 963,309  
NO ..... 419,693

Senate Joint Resolution 137

"Shall the voters be permitted to approve excess levies for school support for two-year periods?"

YES ..... 763,263  
NO ..... 596,722

Senate Joint Resolution 139

"Shall any increase or decrease in the salaries of state legislators become effective for all legislators at the same time?"

YES ..... 493,187  
NO ..... 860,405

House Joint Resolution No. 64

"Shall a state agency be created to draft several alternative model county home-rule charters for possible adoption by any county?"

YES ..... 347,555  
NO ..... 892,419

PRESIDENT AND VICE PRESIDENT

FORD, Gerald R. and DOLE, Robert	Republican	777,732
CARTER, Jimmy and MONDALE, Walter	Republican	
McCARTHY, Eugene J. and MAXEY, Carl	Democratic	717,323
LEVIN, Julius and BLOMEN, Constance	Democratic	
MADDOX, Lester G. and DYKE, William D.	Independent	36,986
LaROUCHE, Jr. Lyndon H. and EVANS, Wayne	Independent	
WRIGHT, Margaret and SPOCK, Benjamin	Socialist Labor	713
ZEIDLER, Frank P. and BRISBEN, J. Quinn	Socialist Labor	
ANDERSON, Thomas Jefferson	American Independent	8,585
	U. S. Labor	
	Bicentennial Reality	903
	Bicentennial Reality	
	Socialist	1,124
	Socialist	
	American Constitution	358
		5,046

and SHACKELFORD, Rufus E.	American Constitution	
HALL, Gus	Communist	817
and TYNER, Jarvis	Communist	
CAMEJO, Peter	Socialist Workers	905
and REID, Willie Mae	Socialist Workers	
MacBRIDE, Roger L.	Libertarian	5,042
and BERGLAND, David P.	Libertarian	

## U. S. SENATE

BROWN, George M.	Republican	361,546
JACKSON, Henry M.	Democratic	1,071,219
SMITH, Dave	American Independent	28,182
WERTZ, Jr. William F.	U. S. Labor	3,389
BERMANN, Karl	Socialist Workers	7,402
KENNEY, Richard K.	Libertarian	19,373

HOUSE OF REPRESENTATIVES  
1ST CONGRESSIONAL DISTRICT

PRITCHARD, Joel	Republican	161,354
WOOD, Dave	Democratic	58,006
RUCKERT, Patrick	U. S. Labor	971
GOTTLIEB, Alan M.	Libertarian	4,230

## 2ND CONGRESSIONAL DISTRICT

GARNER, John Nance	Republican	106,786
MEEDS, Lloyd	Democratic	107,328
RUCKERT, Carol	U. S. Labor	1,781
BLY, Tom	American Constitution	1,963

## 3RD CONGRESSIONAL DISTRICT

ELHART, Chuck	Republican	57,517
BONKER, Don	Democratic	145,198
KILBER, David	U. S. Labor	2,357

## 4TH CONGRESSIONAL DISTRICT

GRANGER, Dick	Republican	81,813
McCORMACK, Mike	Democratic	115,364
ANDROMIDAS, Ted	U. S. Labor	901
BUSBY, Jeff W.	American Constitution	1,586

## 5TH CONGRESSIONAL DISTRICT

ALTON, Duane	Republican	84,262
FOLEY, Thomas S.	Democratic	120,415
LIEBOWITZ, Ira	U. S. Labor	935

SANDAHL, D. E. Bear	Libertarian	1,959
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## 6TH CONGRESSIONAL DISTRICT

REYNOLDS, Robert M.	Republican	47,539
DICKS, Norman D.	Democratic	137,964
DUANE, Michael	U.S. Labor	2,251

## 7TH CONGRESSIONAL DISTRICT

PRITCHARD, Raymond	Republican	46,448
ADAMS, Brock	Democratic	133,673
WERTZ, Marianna	U. S. Labor	1,333
GOOSMAN, Gene	American Constitution	1,668

## GOVERNOR

SPELLMAN, John D.	Republican	687,039
RAY, Dixy Lee	Democratic	821,797
KILLMAN, Henry	Socialist Labor	4,137
MANNING, Art	American Independent	12,406
OLAFSON, Evelyn	U. S. Labor	1,364
KELLY, Red	OWL	12,400
BETHARD, Patricia A.	Socialist Workers	3,106
WILLEY, Jr., Maurice W.	Libertarian	4,133

## LIEUTENANT GOVERNOR

LONG, Philip H.	Republican	402,459
CHERBERG, John A.	Democratic	983,395
STANLEY, Dick	American Independent	23,922
NORRIS, Ned	U. S. Labor	4,085
LEMON, Jack "The Ripoff"	OWL	39,252
HENNIGAN, Barbara	Socialist Workers	7,688

## SECRETARY OF STATE

CHAPMAN, Bruce K.	Republican	825,388
CORCORAN, Bob	Democratic	562,092
LANTZ, Brian	U. S. Labor	8,812
GRISWOLD, "Fast" Lucie	OWL	41,807

## STATE TREASURER

GOUGH, A. William "Bill"	Republican	362,167
O'BRIEN, Robert S.	Democratic	996,219
PERCIFUL, Jack T.	OWL	41,285

## STATE AUDITOR

PURI, R. K. "Raj"	Republican	380,080
GRAHAM, Robert V. "Bob"	Democratic	935,402

McINNIS, Ruthie "BoomBoom" OWL 45,573

ATTORNEY GENERAL

GORTON, Slade	Republican	818,084
BURNS, J. Bruce	Democratic	592,477
KELLY, "Bunco" Bob	OWL	33,746
HONTS, Craig	Socialist Workers	4,755

SUPERINTENDENT OF PUBLIC INSTRUCTION

BROUILLET, Frank "Buster" Nonpartisan 879,532

COMMISSIONER OF PUBLIC LANDS

MARCLEY, Richard A.	Republican	371,985
COLE, Bert L.	Democratic	979,286
OBBER, Don "Earthquake"	OWL	45,815

INSURANCE COMMISSIONER

MARQUARDT, Richard G.	Republican	754,150
HERRMANN, Karl	Democratic	615,118
COUCH, Lynn	U. S. Labor	15,109
BRESLIN, Archie "Whiplash"	OWL	31,803

STATE SUPREME COURT

Position No. 1 (6-year term)		
HICKS, Floyd V.	Nonpartisan	851,427
Position No. 2 (6-year term)		
STAFFORD, Charles F.	Nonpartisan	794,859
Position No. 3 (6-year term)		
BRACHTENBACH, Robert F.	Nonpartisan	763,416
Position No. 4 (4-year unexpired term)		
DORE, Fred H.	Nonpartisan	594,070
DOLLIVER, James M.	Nonpartisan	635,509

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington, at Olympia, this tenth day of January, A.D., 1977.  
(SEAL OF THE STATE OF WASHINGTON)

BRUCE K. CHAPMAN  
Secretary of State

The Speaker: "In view of the election results just read, certified to by the Secretary of State, and to which there have been no protests, this Joint Session now declares the following qualified citizens to be elected the constitutionally elected officials for the State of Washington:

DIXY LEE RAY, GOVERNOR

JOHN A. CHERBERG, LIEUTENANT GOVERNOR

BRUCE K. CHAPMAN, SECRETARY OF STATE

ROBERT S. O'BRIEN, STATE TREASURER

ROBERT V. "BOB" Graham, STATE AUDITOR

SLADE GORTON, ATTORNEY GENERAL

FRANK B. BROUILLET, SUPERINTENDENT OF PUBLIC INSTRUCTION

BERT L. COLE, COMMISSIONER OF PUBLIC LANDS

RICHARD G. "DICK" MARQUARDT, INSURANCE COMMISSIONER

"The certificates of election will be signed by the President of the Senate and the Speaker of the House of Representatives at the Joint Session for Inauguration on Wednesday, January 12, 1977."

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

The President appointed the following committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber: Representatives Knowles, Smith, Enbody, Leckenby and Shinpoch; and Senators Washington and Clarke.

The committee retired.

The President appointed the following committee to escort the elected state officials from the State Reception Room to seats within the House Chamber: Representatives Douthwaite, Charnley, North and Amen; Senators Day, Cunningham and Gould.

The committee retired.

The Sergeants at Arms of the Senate and House of Representatives announced the arrival of the Supreme Court Justices, and the President instructed the committee to escort them to seats within the House Chamber.

The Sergeants at Arms of the Senate and House of Representatives announced the arrival of the elected state officials and the President instructed the committee to escort them to seats within the House Chamber.

The Sergeants at Arms of the Senate and House announced the arrival of Governor Daniel J. Evans at the bar of the House, and the President instructed the committee to escort him to a seat on the rostrum.

The President: "Mr. Speaker, honored members of the Legislature, ladies and gentlemen: It is a rare pleasure and privilege for the President to present to you at this time His Excellency, The Honorable Daniel J. Evans, Governor of the State of Washington."

## GOVERNOR'S ADDRESS TO THE LEGISLATURE

Governor Evans: "Thank you.

"Mr. President, Mr. Speaker, Ladies and Gentlemen of the Legislature, and many, many friends in the audience. I see my cabinet, my staff, my family. I guess most of all, to the citizens of the State of Washington. I do not intend to present a State of the State Message this morning. But this won't be a farewell address either. The State of the State message will properly be given by Dr. Ray tomorrow. And this will be no farewell since I intend to always retain a fierce citizen's interest in the public affairs of this state and in the well-being of Washington and its citizens. I don't promise anything else either.

"As I stand before you the memories of twenty years flood back. In looking through the book this year, I find that only eleven members of the Legislature who stood there in January of 1957 still serve as members of this body. And 1957 was an easier time. A true citizen legislature met only every other year. There were relatively few federal programs and rules. We had not yet seen the trauma brought about by an incomprehensible war, by urban and campus unrest, foreign oil boycotts, and a national nightmare called Watergate.

"You face today a state far more complex than a decade ago. Intergovernmental relationships are increasingly more intricate but not necessarily better. The challenge of coping with a modern technological world will require the best of each of you just as it will require excellence from those leaders of private enterprise.

"On each of your desks this morning are three documents. If they are not, they soon should be. A report on the hopes and the desires of thousands of Washington citizens and their specific recommendations for the future as expressed through

Alternatives for Washington. That summary document has volumes behind it available for the use and the guidance of those who serve in both public and private enterprise.

"The second is a brief but nonetheless important list of suggested executive request subjects which would certainly be placed before you in final bill form if I were to remain as chief executive.

"And third, a history of the past twelve years delineating some of the successes and some of the failures, but more importantly the changes which have occurred during that tumultuous, interesting, and I believe, productive time

"I do intend this morning to speak to five overriding issues, however, which I could not in good conscience ignore in this final day in office.

"Public pensions are neither as sound as some public employee groups would have you believe nor as chaotic as some watchdog groups suggest. The public employee pension system is in good financial shape and it is on target toward full funding. The teachers system is somewhat more expensive, but it is also on its way toward a reasonable full funding program. The law enforcement and firefighters' system, however, is seriously out of control. It will require during the next biennium more than 50 percent of total police and fire payrolls to fund pension requirements. When it is necessary to set more than three times as much money aside for disability pensions as for normal retirement and when upwards of three-quarters of some of our uniformed personnel in many of our communities retire on disability, there are obvious and serious loopholes. We should provide adequately for service-connected disabilities, but cannot continue the current ultra-liberal programs for our uniformed personnel.

"Tax reform still represents the major unresolved issue of this state. Recent reports have tagged Washington with the nation's most regressive tax structure. In that position we are number one, not a very enviable spot. Our neighboring state Oregon has the most progressive tax structure in the nation. The end result is that Oregon's legislature meeting this week will face a biennial budget suggested by their chief executive of increased investment, an increased quality in Oregon programs without necessary tax increases. We here in Washington will have to deal with difficult spending priorities, crippled by the knowledge that increased taxes in our current structure will fall most heavily on the poor and that citizens have shown little inclination to change the system.

"School finance is the third and compelling and overriding issue. School finance represents a ticking time bomb which may soon explode with the issuance of pending court decisions. During the last legislative session, you took extensive action to improve the management and insure better results in our public schools. Now it is important to provide long-term, consistent and dependable financing for basic education. Adequate financial support means that administrators can return to administering, teachers can return to teaching, parents and students can be involved in the learning process, rather than all spending inordinate amounts of time passing special levies.

"As we approach the centennial of Washington statehood, it is time to prepare for the remainder of this century and the beginning of the next by thoroughly reviewing the most fundamental document of our state, our Constitution. A constitutional convention need not send shudders down the spine of this legislature. The people of today have every bit the wisdom and the capabilities as had their forefathers and a better grasp of current needs and future priorities. Setting the questions of taxation completely aside, the Constitution needs overhaul to provide new strengths to the legislative branch, new streamlining to the executive branch, new management to the judicial branch, and freedom from excessive restrictions to units of local governments throughout this state. Let the citizens decide through their vote

whether a convention is desirable. None of us should ever fear the people and their decision.

"And lastly, both the executive and legislative branches of government need to spend more time in oversight of laws already passed and regulations already written. We do not really need artificial sunset laws, but rather a change in emphasis which makes it just as important to review what we have done as it is to initiate new ideas and new concepts.

"Well, as we look ahead to the next few years, we can take pride in a healthy economy with expectation over the next several years of substantial new job growth. Unemployment is going to remain high as record numbers of young people enter our labor force. But more people will be working than ever before in this state's history and more importantly a higher percentage of our labor force will be at productive work.

"The Western World is now joined economically to Japan and the developing countries of Asia. We, here in Washington, are precisely halfway between the major centers of European commerce and those of the Far East. We have an outstanding opportunity to become a leader in world trade and more importantly, the center for those who study and research and manage these major foreign relationships.

"We are blessed in Washington with productive natural resources under excellent management. Our forests each year are more productive than the previous. We can and we are rebuilding a major fishery resource. And our agricultural potential in Washington is virtually limitless.

"As I now step down from public office, let me speak of those people who have done so much to bring credit to this administration.

"Thirty thousand direct state employees in public service represent a profession which I believe is a high calling and of which I am exceptionally proud. They are neither saints nor sinners, but they are every bit as productive, as concerned, and as dedicated as their counterparts in private industry. For every Watergate, there is a Lockheed; for every bribe-taker in public service, there is a bribe-payer in private enterprise; for every development of remarkable new products however privately, there is a major stride forward publicly; for every private charity, there is a public sacrifice. The public and the private sectors cannot act as armed camps—one in conflict with the other, but as cooperators for the common good.

"The press has a massive responsibility. They must be the translators and the interpreters of public policy to our private citizens. The press must not unduly build up public heroes just so they can be brought down. Much as a judge, they cannot let personal feelings color a story. I am and have been gratified by the excellence of our Washington press. You are skilled and concerned. I wince occasionally at the barbs, but then I am not always right, and neither are you.

"I share executive responsibilities with eight other elected officials. Now while I believe that's an inordinately large number, I am sure that feeling is not shared by my executive colleagues. But, I, of course, have had a close and a warm working relationship with my two Republican counterparts—the Attorney General and the Secretary of State—who I believe have done outstanding jobs. But I have equal gratitude for the kindnesses shown by my Democratic colleagues. The relationship between a Governor and a Lt. Governor has always been a difficult one in the fifty American states, even if they represent the same political party. But I have never in twelve years feared leaving the state and have always been proud to have John Cherberg represent me. I serve as a member of two boards which are chaired by other elected officials—the Board of Natural Resources under Bert Cole and the State Finance Committee led by Treasurer Bob O'Brien. They have done an excellent job in their responsibilities and I am grateful to them for much that I have learned and those shared responsibilities which have done so much for those particular areas so important to our state.

"Part of the teamwork necessary for a successful government is a close working relationship with our Congressional delegation. Partisan differences have never stood in the way of full cooperation when the interests of Washington State were at stake. They have been immensely successful in resolving the problems we have had with our federal government and we are all the better for it.

"My cabinet and the Governor's office staff have been dedicated, loyal, and exceptionally competent leaders of state government. They have responded to my idiosyncrasies and have always produced, and especially produced during crisis conditions.

"My former colleagues, those in this audience, and members of the Legislature haven't always agreed with executive positions. But while we may differ on issues, I hope I will always have the personal friendship of those of you who serve in such a difficult and challenging responsibility. And that goes for you, too, Slim.

"No one succeeds in public life without a dedicated and an understanding family. My parents and my mother-in-law are in the audience. And they, along with the rest of my family, have made this challenge worthwhile. Most of all, my wife, Nancy has served as, I think, a simply smashing First Lady. Our Christmas card this year showed pictures of our family ten years ago and today. I received no comment at all, but Nancy had many letters back saying that she didn't look older, just better. Her responsibilities with the Seattle Symphony, as a board member of Whitman College, her extensive work with retarded children, and in the fight to save and restore the mansion will make her remembered as an independent force of the past dozen years.

"Finally, to the people of the state who three times gave me the opportunity to serve as Governor. Through your support I have been given a rare privilege accorded to only sixteen men in the history of our state. Through thousands of letters, personal contacts, and more than a million handshakes and opportunities to speak to people directly, you have helped to teach, guide, and influence my actions as Governor.

"The people have now asked Dr. Ray to take on Chief Executive responsibilities. I wish you well during the next four years. You will assume direction tomorrow of a state of incredible beauty matched nowhere in these United States. A state of enormous plenty, whose varied natural resources can sustain Washingtonians for centuries to come. A state increasingly recognized nationally and internationally for its excellence and its ability. A state whose people are creative, imaginative, productive, and most of all confident of their own future. It is a state in which I was born, where I have lived my entire life, and a state I never intend to leave.

"This has been an exciting, a challenging, and a rewarding era—a privilege to serve which I shall never forget.

"Twelve years now is all history. Nothing can be changed. Nothing can be added. As years go by, memories will dim, and the impact of these years will diminish. If only one epitaph remains, I hope it will be 'He left it a better state than when he began.'"

The President directed the committee to escort Governor Evans from the House Chamber.

The President directed the committees to escort the Supreme Court Justices and the state elected state officials from the House Chamber.

#### MOTION

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

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

The Speaker directed the committees to escort President Cherberg, President Pro Tempore Al Henry, Vice President Pro Tempore Keefe and the members of the Washington State Senate to the Senate Chamber.



The President called the Senate to order at 12:36 p.m.

**MOTION**

At 12:46 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Wednesday, January 12, 1977.

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

THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 12, 1977.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Francis, Newschwander, Pullen and Woody. On motion of Senator Odegaard, Senators Matson and Woody were excused. On motion of Senator Jones, Senators Benitz and Newschwander were excused.

The Color Guard consisting of Pages Kevin Clement and Mary Hanson presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"LET US PLACE OURSELVES IN THE PRESENCE OF GOD AND RECALL FOR A FEW MOMENTS THE WORDS OF KENNETH KUANDA, THE POLITICAL LEADER OF HIS COUNTRY, ZAMBIA. THE WORDS ABOUT HIS NATIVE AFRICA HAVE A MESSAGE FOR ALL OF US.

"I KNOW IT IS FASHIONABLE IN AFRICA THESE DAYS FOR QUICK, CLEVER YOUNG PEOPLE TO DISMISS RELIGION AS A PRIMITIVE SUPERSTITION THEY PUT BEHIND THEM THE FIRST TIME THEY WENT TO THE CLINIC INSTEAD OF THE WITCHDOCTOR FOR RELIEF FROM THEIR ACHES AND PAINS. OR ELSE THEY JUDGE CHRISTIANITY IN IDEOLOGICAL TERMS, AS AN INSTRUMENT OF COLONIAL OPPRESSION, FONDLY IMAGINING THAT THE CHRISTIAN GOD LEFT THE COUNTRY ON THE SAME PLANE AS THE GOVERNOR FOLLOWING OUR INDEPENDENCE CELEBRATIONS. . . .

"LEAVE OUT THE RELIGIOUS ASPECTS OF AFRICAN TRADITION, ART, CUSTOM, LANGUAGE AND LAWS AND THERE IS PRECIOUS LITTLE LEFT OUT OF OUR PAST. THE AFRICANNESS WHICH HAS ITS OWN ROOTS IN THE SOIL OF OUR CONTINENT RATHER THAN THE LECTURE ROOMS OF WESTERN UNIVERSITIES IS BASICALLY A RELIGIOUS PHENOMENON. FOR ME, GOD IS MORE A PRESENCE THAN A PHILOSOPHICAL CONCEPT. I AM AWARE, EVEN IN SOLITUDE, THAT I AM NOT ALONE: THAT MY CRIES FOR HELP OR COMFORT OR STRENGTH ARE HEARD.

"REVEAL TO US LORD YOUR PRESENCE. GIVE US THE FAITH TO REVEAL OURSELVES AND OUR NEEDS TO YOU. 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 Walgren, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

January 11, 1977.

Mr. President: The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 3,  
HOUSE CONCURRENT RESOLUTION NO. 5, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2055, By Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request):

AN ACT Relating to enforcement of anti-monopoly statutes; and amending section 9, chapter 218, Laws of 1937 and RCW 19.24.140.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2056, by Senators Donohue, Odegaard and McDermott (by Superintendent of Public Instruction request):

AN ACT Relating to revenue and taxation for the common schools; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st 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 1st ex. sess. and RCW 84.52.054; amending section 29.27.060, chapter 9, Laws of 1965 as amended by section 1, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.27.060; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2057, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

AN ACT Relating to motor vehicle operators; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270; amending section 10, chapter 167, Laws of 1967 as last amended by section 45, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.293; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515.

Referred to Committee on Transportation.

SENATE BILL NO. 2058, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

AN ACT Relating to drivers' training schools; and amending section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220.

Referred to Committee on Transportation.

SENATE BILL NO. 2059, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request):

AN ACT Relating to agricultural conservation; repealing sections 15.67.010 through 15.67.070, chapter 11, Laws of 1961 and RCW 15.67.010 through 15.67.070; repealing sections 15.68.010 through 15.68.130, chapter 11, Laws of 1961 and RCW 15.68.010 through 15.68.130; repealing section 15.68.140, chapter 11, Laws of 1961, section 13, chapter 292, Laws of 1971 ex. sess. and RCW 15.68.140; and repealing sections 15.68.150 through 15.68.900, chapter 11, Laws of 1961 and RCW 15.68.150 through 15.68.900.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2060, by Senators Odegaard, Clarke, Newschwander and Woody (by Legislative Budget Committee request):

AN ACT Relating to reclamation; repealing section 1, chapter 166, Laws of 1895 and RCW 79.48.010; repealing sections 1 through 11, chapter 152, Laws of 1903 and RCW 79.48.020 through 79.48.120; repealing section 12, chapter 152, Laws of 1903, section 55, chapter 292, Laws of 1971 ex. sess., section 115, chapter 154, Laws of 1973 1st ex. sess. and RCW 79.48.130; and repealing sections 13 through 23, chapter 152, Laws of 1903 and RCW 79.48.140 through 79.48.240.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2061, by Senators Day, Jones and Buffington:

AN ACT Relating to hospitals; and amending section 16, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.150.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2062, by Senators Day and Jones:

AN ACT Relating to health officers; amending section 1, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.010; amending section 9, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.050; amending section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.100; amending section 3, chapter 46, Laws of 1949 and RCW 70.08.030; and amending section 9, chapter 183; Laws of 1945 as amended by section 21, chapter 51, Laws of 1967 ex. sess. and RCW 70.46.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2063, by Senators Odegaard, Clarke, Donohue, Woody, Scott and Wilson (by Legislative Budget Committee request):

AN ACT Relating to the fiscal impact of legislation; amending section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2064, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee Request):

AN ACT Relating to public employees; repealing sections 7 through 10, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.400 through 41.56.415; and repealing section 11, chapter 215, Laws of 1969 ex. sess., section 9, chapter 131, Laws of 1973 and RCW 41.56.420.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2065, by Senators Odegaard, Clarke, Newschwander and Bausch (by Legislative Budget Committee request):

AN ACT Relating to county homesite lands; repealing section 36.59.300, chapter 4, Laws of 1963 and RCW 36.59.300; repealing section 36.59.310, chapter 4, Laws of 1963, section 39, chapter 292, Laws of 1971 ex. sess. and RCW 36.59.310; and repealing sections 36.59.320 through 36.59.430, chapter 4, Laws of 1963 and RCW 36.59.320 through 36.59.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2066, by Senators Odegaard, Newschwander, Donohue, Woody and Bausch (by Legislative Budget Committee request):

AN ACT Relating to guideposts; and repealing sections 105 through 109, chapter 175, Laws of 1895 and RCW 45.68.010 through 45.68.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2067, by Senators Woody, Clarke, Donohue, Odegaard, Scott, Bausch and Gould (by Legislative Budget Committee request):

AN ACT Relating to traffic safety education courses; amending section 2, chapter 39, Laws of 1963 as amended by section 1, chapter 218, Laws of 1969 ex.

sess. and RCW 46.81.010; 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; amending section 8, chapter 39, Laws of 1963 as last amended by section 6, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.070; creating new sections; and adding a new section to chapter 46.81 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO 2068, by Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request):

AN ACT Relating to town supervisors; amending section 48, chapter 175, Laws of 1895 as last amended by section 2, chapter 108, Laws of 1919 and RCW 45.24.010; and repealing section 50, chapter 175, Laws of 1895 and RCW 45.24-.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2069, by Senators Goltz, Morrison, Fleming, Ridder, Sandison and North:

AN ACT Relating to Washington state's youth service corps, the program for local service; and adding a new chapter to Title 50 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2070, by Senators Day and Jones:

AN ACT Relating to X-rays taken under group dental contracts; 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. 2071, by Senators Day, von Reichbauer and Jones:

AN ACT Relating to civil liability of health practitioners; and amending section 1, chapter 144, Laws of 1971 ex. sess. as amended by section 2, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.250.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2072, by Senators Day, von Reichbauer, Buffington and Jones:

AN ACT Relating to marriage; and amending section 1, chapter 174, Laws of 1909 as last amended by section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2073, by Senators Day and von Reichbauer:

AN ACT Relating to damage by dogs; and amending section 5, chapter 198, Laws of 1929 and RCW 16.08.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2074, by Senators Day, Jones and Buffington:

AN ACT Relating to hospitals; and amending section 7, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.060.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2075, by Senators Day, von Reichbauer, Beck, Van Hollebeke, Buffington, Herr and Keefe:

AN ACT Relating to nursing homes and institutions; and amending section 21, chapter 117, Laws of 1951 and RCW 18.51.170.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2076, by Senators McDermott, Lewis and Hayner:

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

Referred to Committee on Education.

**SENATE BILL NO. 2077, by Senators Francis and Pullen:**

AN ACT Relating to public employee collective bargaining; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460; and declaring an emergency.

Referred to Committee on Labor.

**SENATE BILL NO. 2078, by Senators Wilson, North and Goltz:**

AN ACT Relating to cremation; amending section 2, chapter 247, Laws of 1943 and RCW 68.04.020; amending section 3, chapter 247, Laws of 1943 and RCW 68.04.030; amending section 11, chapter 247, Laws of 1943 and RCW 68.04.110; and adding a new section to chapter 68.08 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2079, by Senators Day, Wanamaker and Jones:**

AN ACT Relating to unfair business practices; and amending section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 158, Laws of 1974 ex. sess. and RCW 19.86.170.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2080, by Senators Wilson, Bottiger, Bluechel, Hayner and Odegaard:**

AN ACT Relating to local government public safety voluntary services; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010; adding a new section to chapter 49.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

**SENATE BILL NO. 2081, by Senator Francis:**

AN ACT Relating to municipal courts; and adding a new section to chapter 35.20 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO 2082, by Senators Wilson, Rasmussen, Cunningham, Gould, Sandison, Donohue, Wanamaker, Day and Odegaard:**

AN ACT Relating to state government; creating new sections; prescribing an effective date; and declaring an emergency.

Referred to Committee on State Government.

**SENATE BILL NO. 2083, by Senators North and McDermott:**

AN ACT Relating to autopsies and post mortems; amending section 11, chapter 188, Laws of 1953 and RCW 68.08.101; and amending section 9, chapter 188, Laws of 1953 and RCW 68.08.105.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2084, by Senators Beck and Walgren:**

AN ACT Relating to superior courts; and amending section 4, chapter 125, Laws of 1951 as last amended by section 1, chapter 79, Laws of 1975-'76 2nd ex. sess. and RCW 2.08.062.

Referred to Judiciary Committee.

**SENATE BILL NO. 2085, by Senators Washington, Guess and Goltz:**

AN ACT Relating to higher education; amending section 2, chapter 194, Laws of 1937 and RCW 17.08.020; amending section 6, chapter 152, Laws of 1919 and RCW 17.12.060; amending section 2, chapter 156, Laws of 1947 and RCW 17.24.110; amending section 2, chapter 216, Laws of 1941 and RCW 27.44.020; amending section 28B.10.015, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.015;

amending section 28B.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.020; amending section 4, chapter 176, Laws of 1974 ex. sess. and RCW 28B.10.025; amending section 28B.10.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.050; amending section 28B.10.140, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.140; amending section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 15, Laws of 1970 ex. sess. and RCW 28B.10.280; amending section 10, chapter 269, Laws of 1969 ex. sess. and RCW 28B.10.290; amending section 28B.10.300, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.10.300; amending section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1975 1st ex. sess. and RCW 28B.10.400; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.415; amending section 5, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.417; amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420; amending section 28B.10.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.500; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as amended by section 72, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.525; amending section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550; amending section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560; amending section 28B.10.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.600; amending section 28B.10.605, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.605; amending section 28B.10.640, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.640; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; amending section 28B.10.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.700; amending section 2, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.703; amending section 1, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.005; amending section 28B.15.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.020; amending and reenacting section 3, chapter 279, Laws of 1971 ex. sess. as amended by section 1, chapter 46, Laws of 1973 1st ex. sess. and section 2, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.15.041; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; amending section 11, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.530; amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.15.600; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 2, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.020; amending section 4, chapter 277, Laws of 1969 ex. sess. as amended by section 4, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.040; amending section 28B.40.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.010; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 62, Laws of 1973 and RCW 28B.40.100; amending section 28B.40.105,

chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.105; amending section 28B.40.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.110; amending section 28B.40.115, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.115; amending section 28B.40.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.120; amending section 28B.40.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.130; amending section 28, chapter 15, Laws of 1970 ex. sess. and RCW 28B.40.190; amending section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200; amending section 7, chapter 66, Laws of 1970 ex. sess. and RCW 39.90.060; amending section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 33, Laws of 1973 and RCW 40.04.040; amending section 5, chapter 150, Laws of 1941 as amended by section 2, chapter 33, Laws of 1973 and RCW 40.04.090; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; amending section 5, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.515; amending section 6, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.516; amending section 7, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.517; amending section 9, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.519; amending section 10, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.520; amending section 11, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.521; amending section 1, chapter 142, Laws of 1965 ex. sess. as amended by section 3, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.010; amending section 43.79.150, chapter 8, Laws of 1965 and RCW 43.79.150; amending section 43.79.180, chapter 8, Laws of 1965 and RCW 43.79.180; amending section 43.79.304, chapter 8, Laws of 1965 and RCW 43.79.304; amending section 43.79.314, chapter 8, Laws of 1965 and RCW 43.79.314; amending section 43.79.324, chapter 8, Laws of 1965 and RCW 43.79.324; amending section 1, chapter 248, Laws of 1969 ex. sess. as amended by section 9, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.195; amending section 43.92.050, chapter 8, Laws of 1965 and RCW 43.92.050; amending section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030; amending section 69.32.030, chapter 27, Laws of 1959 and RCW 69.32.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; amending section 5, chapter 51, Laws of 1923 and RCW 87.25.050; adding a new section to chapter 28B.10 RCW; and adding a new section to chapter 28B.40 RCW.

Referred to Committee on Higher Education.

**SENATE JOINT RESOLUTION NO. 103**, by Senators Clarke and Bottiger:

Amending the Constitution to authorize additional property tax support for the common schools and equalizing school excess levies.

Referred to Committee on Education.

There being no objection, additional sponsors were permitted on the following Senate Bills: 2055, 2059, 2060, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2072, 2075, 2080, 2082.

### MOTIONS

On motion of Senator Walgren, the Committee on Ways and Means was relieved from further consideration of the following Senate Bills: 2055, 2059, 2060, 2064, 2065, 2066, 2067 and 2068.

On motion of Senator Walgren, Senate Bill No. 2055 was referred to the Committee on State Government.

On motion of Senator Walgren, Senate Bill No. 2059 and Senate Bill No. 2060 were referred to the Committee on Agriculture.

On motion of Senator Walgren, Senate Bill No. 2046 was referred to the Committee on Labor.

On motion of Senator Walgren, Senate Bill No. 2065 was referred to the Committee on Local Government.



On motion of Senator Walgren, Senate Bill No. 2066 was referred to the Committee on Transportation.

On motion of Senator Walgren, Senate Bill No. 2067 was referred to the Committee on Education.

On motion of Senator Walgren, Senate Bill No. 2068 was referred to the Committee on Local Government.

On motion of Senator Walgren, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2073.

On motion of Senator Walgren, Senate Bill No. 2073 was referred to the Committee on Social and Health Services.

On motion of Senator Walgren, the Committee on Education was relieved from further consideration of Senate Joint Resolution No. 103.

On motion of Senator Walgren, Senate Joint Resolution No. 103 was referred to the Committee on Ways and Means.

### MOTIONS

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2069.

On motion of Senator Wilson, Senate Bill No. 2069 was referred to the Committee on Labor.

On motion of Senator Ridder, the Committee on Labor was relieved from further consideration of Senate Bill No. 2080.

On motion of Senator Ridder, Senate Bill No. 2080 was referred to the Committee on Local Government.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 3,  
HOUSE CONCURRENT RESOLUTION NO. 5.

At 11:25 a.m., the Senate retired to the House Chamber for a Joint session for the purpose of administering the oath of office to the constitutional elective officials of the state of Washington and to receive the Inaugural Address of the Governor.

### JOINT SESSION

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

The Speaker requested the Sergeant at Arms to escort President of the Senate John Cherberg, President Pro Tem Al Henry and Vice President Pro Tem James Keefe to seats on the rostrum.

The Speaker requested the Sergeant at Arms to escort the Senators to seats within the House Chamber.

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

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

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

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

The President appointed the following committee to escort the Supreme Court Justices to the House Chamber: Representatives Lysen, Maxie, Williams, Zimmerman and Amen; Senators Francis, Clarke, Mardesich, Wanamaker and Van Hollebeke.

The President appointed the following committee to escort the newly elected state officials from the State Reception Room to seats within the House Chamber:

Representatives Conner, Bender, Wilson and Blair; Senators Grant, Newschwander, Sandison and Murray.

The President appointed the following committee to escort former Governor Albert D. Rosellini to a seat at the front of the House Chamber: Representatives O'Brien and Hurley (George); Senators Washington and Bailey.

The Sergeant at Arms of the House and the Senate announced the arrival of the Supreme Court Justices at the bar of the House, and the President instructed the committee to escort them to the front of the House Chamber, and to escort Chief Justice Charles T. Wright to a seat on the rostrum.

The Sergeants at Arms of the House and the Senate announced the arrival of the newly elected state officials at the bar of the House and the President instructed the committee to escort them to the front of the House Chamber.

The Sergeants at Arms of the House and the Senate announced the arrival of former Governor Albert D. Rosellini, and the President instructed the committee to escort him to a seat at the front of the House Chamber.

The President: "The President believes that it is perfectly fitting and proper that we request of former Governor Rosellini that he extend his greetings to the members and to the ladies and gentlemen present."

Governor Rosellini: "Thank you very much, Mr. President. Justices, elected officials and ladies and gentlemen: It is a pleasure for me to have the opportunity to be here today and to extend greetings and best wishes to all of you. Of course, I can't help being reminiscent of a similar period about twenty years ago. It doesn't seem like that long ago, but I know we're looking ahead to the launching of a new administration. I know that in doing so we will all join together in wishing the Governor-elect—Governor—to-be in a few minutes—the best wishes for the success that I'm sure she is going to have. To all of you, greetings. It's wonderful to be here with you, best wishes to all."

The President: "Thank you, Governor Rosellini. Mr. Speaker, Speaker O'Brien, Justice Wright, President Pro Tem Henry, Vice President Pro Tem Keefe, Father Matthew, members of the Legislature, ladies and gentlemen: I should like to make a few remarks and to say that this is a magnificent honor that the people of the state of Washington have bestowed upon me and I offer my heartfelt thanks and appreciation. It's with a true sense of humility, yet with a firm purpose to do some real good for the state of Washington as your Lieutenant Governor, that I soon will take my oath of office."

The Sergeants at Arms of the Senate and the House announced the arrival of the Governor-elect at the bar of the House. The President instructed Representatives Margaret Hurley, Erickson, Gaines and Newhouse; Senators North, Rasmussen, Fleming and von Reichbauer to escort her to the rostrum.

Prayer was offered by Reverend Matthew Naumes of St. Martin's Abbey of Olympia:

"Stand with us, Lord, in this and every hour. You have chosen us as Your people. You have given us a nation and a state. You have handed over to us abundant fields, high mountains, wide and pure waters. You have made us a sovereign people with freedom as a heritage, with truth, with justice and with charity as ideals. Make us wise stewards of these riches. Make of us a people of vision and generosity so that Your truth, justice and love might prevail. Stand with her, O Lord, whom we have chosen to govern us in Your good grace. Give her wisdom and wise counsel. Give her a sense of history and a pure vision of the days to come. Open her heart to those who have no other friend. Guard her from evil and from those who are selfish. Make her blessing an earnest of your people's prosperity. Make her health and security an earnest of your people's peace. Call her to that only sure reward—joyful service in Your name. Stand with us, Lord, now and forever. Amen."

## OATH OF OFFICE TO ELECTIVE OFFICIALS

The President announced that the Joint Session was called for the purpose of administering the oath of office to the constitutional elective officials of the State of Washington and to receive the Inaugural Address of the Governor.

The President of the Senate and the Speaker of the House of Representatives signed the certificates of election for the elected state officials.

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

Justice Hugh J. Rosellini administered the oath of office to Lieutenant Governor John A. Cherberg and the Speaker presented the certificate of election to him.

Chief Justice Charles T. Wright administered the oath of office to Secretary of State Bruce K. Chapman, and the President presented him his certificate of election.

Justice Orris L. Hamilton administered the oath of office to State Treasurer Robert F. O'Brien, and the President presented him his certificate of election.

Chief Justice Charles T. Wright administered the oath of office to State Auditor Robert V. "Bob" Graham and the President presented him his certificate of election.

Justice Robert F. Brachtenbach administered the oath of office to Attorney General Slade Gorton, and the President presented him his certificate of election.

Justice Floyd V. Hicks administered the oath of office to Superintendent of Public Instruction Frank B. Brouillet, and the President presented him his certificate of election.

Justice Charles Horowitz administered the oath of office to Commissioner of Public Lands Bert L. Cole, and the President presented him his certificate of election.

Justice James M. Dolliver administered the oath of office to Insurance Commissioner-elect Richard G. "Dick" Marquardt, and the President presented him his certificate of election.

Chief Justice Charles T. Wright administered the oath of office to Governor-elect Dixy Lee Ray, and the President presented her with the certificate of election.

The President: "I asked the Governor to return the certificate, but in due time I will give it back. Some of you may be interested in what this is all about, so with your consent I should like to read it:

"THE UNITED STATES OF AMERICA  
(The State of Washington Seal)

This is to certify that at the General Election held in the State of Washington on the second day of November, 1976, DIXY LEE RAY received the highest number of votes cast for the office of Governor of said State of Washington and was therefore duly elected to said office as appears from the official returns of said election duly transmitted to the Secretary of State of said State and which returns were open, public and the results thereof duly declared in the presence of a majority of the members of the House of the Legislatures of said State as provided by law.

IN WITNESS WHEREOF we have hereunto set our hands this twelfth day of January A.D., 1977 at Olympia Washington.

Signed by the President of the Senate and signed by the Speaker of the House, the Honorable John Bagnariol.'

"I have the firm opinion that you would like very much to meet the members of Governor Ray's family who are present today. There are four very charming and lovely ladies that are present in the House Chamber today, and I should like very much to request of Mrs. Marion R. Reid that you please stand in order that you may be properly recognized. (Applause) Also, Mrs. Jean R. Potenziani, Mrs. Juliana C. Strong of California and Mrs. Alvista Steele of Oregon. The President should have remarked that Mrs. Reid is a citizen of the State of Washington and

Mrs. Potenziani is a citizen of New Mexico and a medical doctor. Governor, when you get ready to run for President it seems you've captured the western states already. Present-elect Carter will look upon you as a potential opponent.

"Ladies and gentlemen, I believe you will agree that this is a most significant moment in the State of Washington. If it is not, it will at least do as the most significant moment until a more significant moment comes along. We are honored today to have the first woman governor of a western state elected strictly in her own right. Now this lady is a person I have been fortunate enough to know for a number of years and I'm sure that I join with millions of other citizens in the State of Washington in our respect, admiration and affection for Dixy Lee Ray. Dixy has, as I indicated earlier, come a long way and I'm sure you will agree that her achievements in the areas of science, of education and government will be unparalleled. Dixy, I'm sure that every person in the state, every person in the country, every person who knows you and every member of the Legislature, every elected state official, every member of this most august body in the land, the Supreme Court, join with me in congratulating you from the heart and wishing you the very best in the years to come. True success to you, Dixy. Now I should like very much to request of you to deliver your message."

#### GOVERNOR'S INAUGURAL ADDRESS

Governor Ray: "Mr. President, Mr. Speaker, distinguished Justices of the Court, honored officials, members of the Legislature, my fellow citizens of Washington State: A funny thing happened on the way to the office this morning. I was flipping across the radio dial when something caught my ear. The announcer was promoting the fact that his station would be carrying live the Inauguration of the Governor.

"How will the new Governor handle the problem of the budget?' 'What will be her approach to school funding'—and several more questions—followed by the usual intonation to tune-in and hear it all.

"I came here today, ladies and gentlemen, not to propose all the answers, because I do not know them, but to share with you my views on the many, many problems we face together—the chief executive, the legislature, and each citizen of this state—and to make some modest proposals, and to seek your cooperation and guidance.

"When you, in this 45th Legislature, conclude your first session, let us hope that together we have made some solid beginnings in the fields of funding our educational system, improving the quality of education, financing of state government—and learning how to control its growth, reforming one of the most regressive tax structures in the nation, stimulating the economy with resultant new job opportunities, protecting our environment while helping to meet the requirements for our energy, and, meeting the needs of the elderly, the underprivileged, the sick and the poor.

"With our honest attention to these and other pressing matters, we may find some of the answers to restoring the faith of the people in the institution of government.

"So today begins a new administration in state government. You, as representatives of all the people, are entitled to know the basic philosophy and objectives of your new Governor.

"About philosophy: I do not think that big government can handle problems better than little government—especially those local problems that loom so very large in the eyes of the individuals affected. True, the 'town hall' approach is not sophisticated enough for some of our complex problems in this fast-moving world, but it is not necessary to make small problems complex by assigning their solution to big government.

"Because I believe problems should be solved as close to the source as possible, I shall also favor funding of solutions as close to the point of expenditure as is practical with reasonable equity to those who are paying the costs.

"This means that I do not generally favor collection of taxes by upper echelons of government to be returned to local government wrapped in the pretty package called 'Revenue Sharing.' There are instances where equity to the taxpayer requires funding over a broad base, but I believe spending is best controlled when the public officials spending the money must face the taxpayer resistance occasioned by the levy of taxes to pay the cost.

"I have no illusions that this administration can vastly modify some of the state and national trends that are well established. Indeed, change in some may not be desirable. But perhaps we can 'bend' rather than 'break'—'shape' rather than 'shatter'—those programs of government that seem to have taken over our direction.

"Perhaps if we believe strongly enough in our pledges of cooperation, we will make a beginning, for example, in the field of economic development.

"We need to help create an atmosphere that will foster business confidence, thus encouraging business and economic expansion that will create jobs for residents of the state of Washington.

"More jobs mean more paychecks—people paying taxes—citizens better able to contribute to, not withdraw from, the bank account of state government.

"The human race has many values other than a warm dwelling and enough to eat. Whether these values in respect to individuals center around music, the arts and literature, sports, outdoor recreation, or whatever, all are better enjoyed if employment is secure and tomorrow is expected to be better than yesterday. Unemployment is a miserable state. It plagues far too many of our citizens. It even drives some people into running for public office.

## GOVERNMENT ORGANIZATION

"I use the term 'government organization' deliberately rather than the term 'disorganization,' which may be more applicable. The major departments under the Governor, about 14 in number, are, generally speaking, rather reasonable divisions of responsibility. Some do need restructuring. However, the proliferation of commissions, boards, advisory committees, and other appendages of government are far too numerous. The direct cost of their operation is not as important as the ancillary effects of their existence. It is almost impossible to track the maze of their government actions or sometimes even to understand their motivation.

"I shall not start by suggesting a new commission to study the matter. I do intend, within the administration, to undertake an evaluation of each such entity in existence, and to make appropriate recommendations.

"Controversial though it may be, I believe in those instances when a multiple member policy board or commission is deemed necessary, then it should continue, but should nevertheless be more under control by the Governor, especially over the administration of the program carried out than now exists. The remainder should be promptly phased out.

## TAXATION

"Washington's tax system is regressive. This term is usually understood to mean that the tax burden on those of under-average income level or property ownership pay a higher percentage of their income in taxes than do those who are more affluent.

"The business and occupation tax is by nature regressive and, being levied on successive title passing of goods, from manufacturing to retail, compounds its inherent problems. It does have some merit in application as it reaches cooperatives, non-profit and private entrepreneurs with equality. It also has the advantage of being the only present tax with rates adjusted to the special conditions of the class of business to which it is applied.

"Washington's property taxes are not excessively high in comparison to those of many other states. What is significant is the extreme variance within the state. Most of this variation is due to overdependence on special levies for schools which vary from nothing to as much or more than all other property taxes combined.

"With this very brief comment on our tax system, I want to suggest an approach to improvement.

"People do not respond well to sudden tax changes of great magnitude unless the result is a specific, easily recognized reduction in their total, personal tax bill.

"Acceptance of what I believe is a reasonable move toward better tax equity cannot be worked out between the Governor and the Legislature alone. This is a discussion that must include all the people of the state. I am encouraged by the recent position paper representing the views of some of our largest businesses. And I hope that the conclusions reached and recommendations submitted will receive wide attention.

"I believe that your state government must operate in a climate of some austerity while this new administration determines whether our expenditure patterns developed over the last decade are truly justified. If spending is rational and controlled, chances of success with improvement in our tax system will be greater.

### THE COMMON SCHOOLS

"I have been involved in education all my life. I believe in education. The only resource that we can be confident we will never run out of is the resourcefulness of the human minds educated to the ever-growing body of knowledge and its uses in solving problems.

"To discharge the state's responsibility in education, it is not enough to recite the language of the Constitution in the preamble to section nine, which reads, 'It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.' A definition of 'ample' will always be written in the appropriation bill, session after session. But increasingly in recent years the decision of what is 'ample' has been transferred to the local school district voters through over-reliance on the special levy system.

"There is much merit to allowing the local school districts a voice in the level of spending in support of common school education. Without some such authority, our financing statewide is most likely to be uniformly deficient. However, allowing unlimited authority to raise money locally, no matter how difficult, is an escape mechanism far too attractive to any legislature faced with many severe demands upon the public purse.

"Dependence on special levies for support of the common schools must be reduced. Further, the burden on the taxpayer to provide the added school support over what can be supplied by the state must be equalized up to some specified level. Throughout the campaign I spoke often on this topic and generally supported the provisions of Initiative 53. I do not consider Initiative 53 to be a long-term solution to school financing. It is the first best step I see in getting on with a viable, more dependable, basis for support of the common schools. The cost of the program is within reach without a major tax overhaul, which will take time. Some additional state money over that needed to equalize special levies will be necessary for regular school apportionments and for categorical grants for special programs. With the

adoption of legislation embodying these or similar provisions, I believe we will have taken a major step toward more adequate state funding.

"It is not generally my intention to comment in this address on the budget proposals of my predecessor. I am making an exception in the case of school funding because I will be recommending that the Legislature take early action on the matter of school funding in order to facilitate planning of the school districts of the state. The action of the previous Governor in purchasing advertising during the holiday season, seeking support for his budget proposals, seems to require an early answer where early action is asked on my part.

"The budget proposed by former Governor Evans with its attendant tax increase shows, on careful analysis, that our most regressive taxes—sales and B & O—will be increased beginning even before the next biennium to achieve 90 per cent funding without special levies in the second year of the biennium. A reduction in property taxes is projected, but actually no reduction is mandated until the collections due in 1979, and no relief of consequence will actually be evident until the second half taxes in that year, due to a provision that levies voted in 1978 for collection in 1979 all be paid in the first half collections. The collection of increased taxes for 25 months to support 90 per cent funding for 10 months of school during the last year of the biennium can only mean the need for even further increases in state taxes two years from now, or the raising of the ceiling on special levies over that proposed at the 1976 session.

"I am not ready to sanction an increase in the most regressive taxes in a regressive system to secure a very problematical reduction in property taxes two years later and probably, in the process, guarantee the schools uniform funding at an inadequate level.

### HIGHER EDUCATION

"Support of the common schools is a primary public obligation. Participation in education beyond high school is a matter of individual choice and an investment in opportunity on the part of those attending. There are great public benefits associated with a well-educated citizenry, and these merit public support of universities and colleges—but the high costs cannot be entirely avoided by the students. A reasonable division of costs would indicate tuition rates should increase at about the rate of inflation in the costs of maintaining these high quality educational programs.

### PENSIONS

"The costs of pensions for public employees has become a matter of concern to us all. In a way, the unfunded liabilities resemble those associated with raising and educating children. Had the financial consequences of their actions been fully understood by either those that conceived our pension system or our children, we might have had neither—at least not so many of them. However, now that we have pensions and children, we love them both too much to give them up or to restrict them. With respect to pensions, we probably can afford to carry some unfunded liability if we have a program that will not result in both impoverishment of today's supporters and insecurity of future benefits to those for whose benefit the liabilities are incurred.

"The new Director of the Department of Retirement Systems will be giving early and careful consideration as to how these pension fund problems can be resolved, and a special message on this important question can be expected.

### ENERGY

"We have an energy office created by act of an earlier Legislature. Parts of that act were vetoed, leaving the state with an energy office so curtailed and constrained

that it resembles some of the I-90 ramps meant to interchange with I-5. Apparently the vetoes were occasioned by failure to reach agreement on a suitable method under which the Legislature could exercise reasonable review, especially respecting enforced cutbacks in use and allocation procedures in times of critical shortage. Until this problem is resolved through amendment of the energy act, it is very questionable that any legal authority exists for restrictions or allocation in case of an impending or actual shortage of energy supplies.

"There will be few, if any, cases when your present Governor will stubbornly insist on having it all my way. I believe in pragmatic approaches that recognize attainable progress is better than unattainable perfection. It is my present inclination to support the establishment of a special legislative review committee on energy matters if that approach is deemed desirable to the Legislature. Such an arrangement with respect to highway matters has given the Legislature substantial influence in highway decisions for many years, without actual encroachment on executive authority or responsibility.

"In an overall energy policy the state of Washington must seek to have available to its citizens a supply of energy limited only by the balance of costs and benefits to the consumer when the costs properly reflect the real expense of production and delivery in an acceptable manner. We need to examine and to evaluate all methods of producing electricity and all sources of energy. This will take some time, but we need a balanced, diversified program.

"Some special comment is indicated with respect to petroleum.

"Our first priority is assuring that our present refineries are supplied in the most certain and environmentally safe manner. In the immediate future, and for many months, this supply must come by tanker, small or large. This means our first effort must be to assure safe movement of these supplies.

"I also share the concerns of Senator Magnuson and Transportation Secretary Brock Adams over the need to inspect, control and regulate the many 'flag of convenience' vessels now engaged in worldwide waterborne commerce. We must all work together with the Coast Guard and our Congressional delegation in raising the sensitivity of all of those responsible for the movement of any ship as to the safety features, navigational and cargo handling procedures, and sound maintenance policies.

"Tanker problems and the potential of oil spills have been exceedingly well publicized. Because this issue is viewed so emotionally, and because of the deep significance of assured petroleum supplies to our state and to our nation, I intend to make oil shipment and trans-shipment the subject of a special message in the very near future. This message will also deal with the equally important, equally necessary area of conservation of our energy supplies. Something we must be open about and begin to approach in a most practical and attainable manner.

## AGRICULTURE

"There is a lot of talk about finite resources that are being rapidly depleted. In the final analysis, the most valuable of these to Washington State has to be food. Agriculture is one of the most important industries in our state and provides a very satisfactory way of life for many.

"Land is a resource that is largely non-depletable if properly used.

"Food is our greatest export, and international trade in various food products will become more valuable in the future.

"Irrigation development is not the only problem facing agriculture. Despite strong feelings, it is not as pressing as problems attendant with the modern use of fertilizers and pesticides.

"Let me emphasize that irrigation water policy should be settled in law—and that question is undeniably before this session of the Legislature.



### FISHERIES

"Washington has a fish problem. That is an understatement if there ever was one. A fisheries enhancement program is in order. That alone does not resolve the problem that exists under the Boldt decision. Indian fishing rights under treaty provisions are hard to match with today's fishing processes and new techniques.

"It is my opinion that the burden of renegotiating those treaty provisions lies with the federal government. There is room for enhancing the benefits of the fishing resource to the Indians along with attendant benefits to non-treaty fishing by both Indians and non-Indians. We must find the ways to resolve the question that are amicable and fair to all.

"A special word is necessary in respect to Idaho's interest in the Columbia River fish runs. I am in favor of including Idaho in fish discussions and decision-making conferences now largely limited to Washington and Oregon. In addition, I should note that our fish problems are not entirely separable from those of British Columbia, and with the enactment of the two hundred mile zone. Our own fisheries extend far out to sea into what used to be international waters.

### TRANSPORTATION

"Observation of transportation facilities in this state finds a generally good set of facilities, including a good, but not complete, system of state roads—sometimes crowded, but usually not crowded enough to discourage those inclined to drive in excess of posted speed limits. Mass transit systems are struggling with some success.

"While the gas tax is not the only source of revenue for the support of public roads and streets, it is the major one. If we decide added revenue for highway purposes is necessary, I would prefer a variable tax on gallons of gas or other comparable units.

"There has been discussion of creation of a Department of Transportation for several years. I do not view such a move as imperative at this time. I am concerned that good balance be attained between highways and other transportation facilities.

### TOURISM AND RECREATION

"This administration will actively support tourism through a combined program of promotion and appropriate assistance to businesses and industries in this vital statewide segment of the economy.

"Tourism is Washington's second largest industry, representing \$1.4 billion in business revenues and \$159 million in state tax revenues annually. The industry employs 74,000 people throughout the state, with an annual payroll of \$386 million.

"No other industry offers such potential for desirable long-term growth and stability for the state's economy. Its positive impact is statewide. It is people-oriented and can be environmentally sound.

"In this regard, Washington is the natural gateway to the Far East and Alaska. This administration will aggressively pursue every opportunity to make this the number one gateway through expansion of air travel capacity and additional airline routes.

### THE ARTS

"Washington State is already an acknowledged leader among American states in taking the arts to the people. That is good, we must not rest on our laurels until every state resident has an opportunity to see and to hear productions of the finest quality. (Fooled you didn't I?) Despite our great progress thousands of Washingtonians have yet to experience the thrill of an opera, a symphony concert, a ballet performance, folk dancing and singing, a live drama and the greatest in visual and plastic arts, but there is another crucial aspect to the arts that remain virtually

untapped and that is in the use of the arts—music, painting, sculptures, crafts of all kinds to help in the rehabilitation of the ailing, the handicapped, the incarcerated and in the care of the elderly and the infirm. Some experimentation and progress has been made in this field, but it represents only a modest scratching of the surface. This administration intends to place great emphasis on both of these aspects of art elements and a detailed report will soon be made to the legislature including recommendations for action.

### EQUAL OPPORTUNITY FOR WOMEN AND MINORITIES

"I guess it is now established that a woman can be elected Governor in Washington State. Let me hasten to add that I believe a candidate with the same general platform and interests and programs who happened to be male or a member of any of our minorities would have won. The prejudice against women and other minorities in top positions is easing, but is far from fully overcome.

"For that reason I support making the Women's Council statutory. I also support the continuation and the enhancement of the council for our various minority groups—the Asian-Americans, the Spanish-speaking American, our American Indians, our black community and all those whose diversity of culture and background make this a richly diverse and richly rewarding area in which to live. In my incompleting search for candidates to appoint to various offices of the executive branch, I found many women and many members of minority groups of competence, all generally occupied in endeavors they chose not leave for what may well be temporary service in government. Entry back into the business or professional world is still not that easy for members of the groups I speak of.

"I shall encourage advancement of capable women and minorities in state employment, and I shall continue to search for candidates to high offices in the executive branch.

"I do not plan a quota system for state employment where I have authority or influence. I do plan to give careful consideration to candidates for employment who can contribute to a lessening of discrimination.

### BUDGET

"I have expressed my philosophy and objectives in very general terms today. They will become more specific as explicit situations develop. I do not want either the members of the Legislature or the people of the state of Washington to think my positions are unalterable. I do not aspire to break any veto records set by previous Governors. I want to cooperate in solving problems and creating opportunities for the people we represent in Olympia.

"The budget will be the big item as always. I expect within a few days, possibly about the first of February, to submit a budget message to the Legislature. This does not mean that there should be any delay in hearings and consideration of our spending programs. In the meantime, I shall ask that each department under the Governor's direction be ready to provide information on expenditure requirements based on the first year of the coming biennium. I realize the benefits of being able to plan with assured financing for the full two-year period, but I do not believe it is possible now to predict accurately the costs of the second year's operation. I also hope that one year hence your new Governor will be implementing some cost saving programs. Also, I expect to make and propose some governmental organization changes that will require budget reconsideration.

"Let me conclude by reaffirming my faith in the people of this state and in their elected representatives and other officials who make up the basic institution of state government.

"We can—we must—cooperate in facing up to the pressing questions that have cried out for answers for far too long. Schools, the tax structure, employment opportunities, economic development, energy, the environment, resource utilization and many more.

"Let us work together to make government truly the tool of the people. Let government not stand in the way of personal enterprise and ambition, but rather, take the lead in lighting the path that can lead to a more profitable and meaningful life style for all segments and all age groups of our population.

"Thank you very much."

The President: "The President should like to respectfully request one more kindness of the ladies and gentlemen present today and present two pride and joys that Betty and I have, Miss Kimberly Tonkin and Master Tyler Tonkin. Will you please stand?"

Applause.

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

The President instructed the Sergeants at Arms of the House and the Senate to escort former Governor Albert D. Rosellini to the State Reception Room.

The President instructed the committees to escort the Supreme Court Justices and the state elected officials to the State Reception Room.

The President announced that immediately upon adjournment of the Joint Session there would be a reception in the State Reception Room.

#### MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President Cherberg, President Pro Tem Al Henry, and Vice President Pro Tem James Keefe and the senators to the Senate Chamber.

The President called the Senate to order at 1:12 p.m.

#### MOTION

At 1:15 p.m., on motion of Senator Bailey, the Senate adjourned until 11:00 a.m., Thursday, January 13, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

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**FOURTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Thursday, January 13, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Grant, Francis, Goltz and Woody.

On motion of Senator Odegaard, Senators Grant, Francis, Goltz and Woody were excused. On motion of Senator Jones, Senator Benitz was excused.

The Color Guard, consisting of Pages Tim Zenk and Ann Reitemeier, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, CREATOR AND GIVER OF LIFE, WE ASK TODAY ON THIS OPENING WEEK OF THE LEGISLATURE FOR A HUMBLE SPIRIT AS WE LISTEN AGAIN TO THE WORDS OF A LEADING POLITICIAN, KENNETH KUANDA, PRESIDENT OF ZAMBIA. IN A LETTER TO HIS CHILDREN HE WRITES:

"MY MOTHER, WHO DIED AT THE AGE OF NINETY, WAS A HAPPY, GOOD WOMAN. HER NEEDS WERE MODEST, AND I AM AFRAID SHE FOUND HER POLITICIAN SON AS MUCH AN EMBARRASSMENT AS A SOURCE OF PRIDE. SHE NEVER REALLY UNDERSTOOD WHY PROTOCOL OR SECURITY SHOULD REQUIRE MY VISITS TO HER LITTLE HOUSE TO BE SO NOISY AND FUSSY. SHE TAUGHT ME MORE THAN I CAN EVER REPAY, AND ONE THING IN PARTICULAR — THAT A LIFE BASED ON HAVING IS LESS HAPPY THAN A LIFE BASED ON BEING OR DOING. IT IS ONE OF THE LESS WELCOME LEGACIES OF WESTERN INDULGENCE IN AFRICA THAT TOO MANY OF OUR PEOPLE HAVE LEARNED TO ELEVATE POSSESSIONS ABOVE SERVICE AND TO REGARD POSITION AS MORE SIGNIFICANT THAN USEFULNESS.

"MAY NOT ONLY THE CHILDREN OF THIS MAN BUT ALL OF US, LORD, TAKE HIS WORDS TO HEART. AMEN."

**MOTION**

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

**MESSAGE FROM THE SECRETARY OF STATE**

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**DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY**

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January 10, 1977.

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

OLYMPIA, WASHINGTON

DEAR SIR:

On December 21, 1976, the sponsor of Initiative to the Legislature No. 59, filed 10,472 signature petition sheets and, on December 30 and December 31, the sponsor submitted 1,771 additional petition sheets and 20 additional petition sheets respectively. We have canvassed these petitions and determine that they contain 191,012 signatures.

We are presently verifying the sufficiency of the signatures on this Initiative to the Legislature as provided in RCW 29.79.200. We expect to have this verification completed and to certify the results thereof to the Legislature before January 14, 1977.

Sincerely,  
BRUCE K. CHAPMAN  
Secretary of State

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2086, by Senators Walgren and Matson (by Executive Request of Governor Evans):

AN ACT Relating to salary increases for certain state elected officials and members of the judiciary; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 113, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2087, by Senator Rasmussen:

AN ACT Relating to state government; adding new sections to chapter 42.04 RCW; and providing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2088, by Senators Henry, Peterson and Guess:

AN ACT Relating to highways; amending section 1, chapter 227, Laws of 1975 1st ex. sess. (uncodified); making supplemental appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2089, by Senators Grant and Talley:

AN ACT Relating to industrial insurance; and amending section 51.08.160, chapter 23, Laws of 1961 and RCW 51.08.160.

Referred to Committee on Labor.

SENATE BILL NO. 2090, by Senators Day, North, Goltz and McDermott:

AN ACT Relating to legend drugs; and amending section 3, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2091, by Senator Day:

AN ACT Relating to the hospital commission; and amending section 5, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO 2092, by Senators Walgren, Henry and Wanamaker:

AN ACT Relating to the construction and maintenance of highways; amending section 47.28.090, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1971 ex. sess. and RCW 47.28.090; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO 2093, by Senators Rasmussen, Henry and Buffington:

AN ACT Relating to state government; amending section 2, chapter 25, Laws of 1974 ex. sess. and RCW 18.27.090; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2094, by Senators Bottiger, Gaspard, Keefe and Bausch:

AN ACT Relating to the health, safety and welfare of railroad employees; adding new sections to chapter 81.44 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2095, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

AN ACT Relating to the state treasurer's office; and amending section 43.08-.060, chapter 8, Laws of 1965 and RCW 43.08.060.

Referred to Committee on State Government.

SENATE BILL NO. 2096, by Senators Rasmussen and Newschwander (by State Treasurer request):

AN ACT Relating to the state treasury; amending section 2, chapter 72, Laws of 1971 ex. sess. as amended by section 1, chapter 27, Laws of 1973 and RCW 43.85.241; and amending section 43.84.110, chapter 8, Laws of 1965 as amended by section 2, chapter 95, Laws of 1973 and RCW 43.84.110.

Referred to Committee on State Government.

SENATE BILL NO. 2097, by Senators Bausch, Woody and Murray (by Legislative Budget Committee request):

AN ACT Relating to employment of aliens; and repealing sections 1 through 4, chapter 111, Laws of 1919 and RCW 39.20.010 through 39.20.040.

Referred to Committee on Labor.

SENATE BILL NO 2098, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

AN ACT Relating to the retirement of judges; and amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050.

Referred to Committee on State Government.

SENATE BILL NO. 2099, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

AN ACT Relating to the public employees' retirement system; and amending section 3, chapter 274, Laws of 1947 as last amended by section 1, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.030.

Referred to Committee on State Government.

SENATE BILL NO. 2100, by Senators Ridder, Talley and Lewis:

AN ACT Relating to state construction projects; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2101, by Senators Bottiger, Beck and Wanamaker:

AN ACT Relating to public institutions; reenacting and amending section 72.36.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 101, Laws of 1973 and section 102, chapter 154, Laws of 1973 1st ex. sess. and RCW

72.36.040; amending section 72.36.060, chapter 28, Laws of 1959 and RCW 72.36.060; amending section 72.36.070, chapter 28, Laws of 1959 and RCW 72.36.070; amending section 72.36.080, chapter 28, Laws of 1959 as last amended by section 2, chapter 13, Laws of 1975 and RCW 72.36.080; amending section 72.36.090, chapter 28, Laws of 1959 and RCW 72.36.090; creating new sections; and adding new sections to chapter 28, Laws of 1959 and to chapter 72.36 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2102, by Senators Bottiger, Wanamaker and Scott:

AN ACT Relating to auto transportation companies; and amending section 81.68.040, chapter 14, Laws of 1961 and RCW 81.68.040.

Referred to Committee on Transportation.

SENATE BILL NO. 2103, by Senators Peterson, Talley and Wanamaker:

AN ACT Relating to salmon fishing; adding a new chapter to Title 75 RCW; providing an expiration date; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2104, by Senators Peterson, Talley and Wanamaker:

AN ACT Relating to salmon fishing; adding a new chapter to Title 75 RCW; providing an expiration date; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2105, by Senators Clarke, Rasmussen, North and Hayner:

AN ACT Relating to criminal punishment; creating a new chapter in Title 9A RCW; and providing penalties.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Clarke, Senator North was permitted as an additional sponsor to Senate Bill No. 2105.

There being no objection, additional sponsors were permitted on Senate Bills 2090 and 2094.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Bailey, Walgren, Newschwander and Matson:

Prescribing cutoff dates.

#### MOTIONS

On motion of Senator Walgren, additional sponsors were permitted on Senate Concurrent Resolution No. 103.

On motion of Senator Walgren, Senate Concurrent Resolution No. 103 was advanced to second reading and read the second time in full.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield to a question? Senator Walgren, I did not check it. What is the cutoff date for executive request bills? It has been in our rules for some time."

Senator Walgren: "Well, Senator Rasmussen, we have not yet adopted the rules, of course, for procedure here and that we hope will be accomplished during the first of this next week. I have not contemplated any changes with regard to executive request bills as it relates to our rules. There is no provision in this as it relates to that either. I would just say that they would be introduced in the same period of time. That is, by the fortieth day."

Senator Rasmussen: "Well, the reason is I was hoping you would consider maybe a little extension on the executive request bills because we have a new team, a new transition team, and that is a little bit mixed up as yet."

Senator Walgren: "I understand that, Senator Rasmussen, but I understand that she is proceeding very rapidly down there."

#### MOTION

On motion of Senator Walgren, Senate Concurrent Resolution No. 103 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 12, 1977.

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

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

CHARLES W. HODDE, appointed January 12, 1977, serving at the pleasure of the Governor, as Director of the Department of Revenue.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, January 12, 1977.

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

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

WILBUR G. HALLAUER, appointed January 12, 1977, serving at the pleasure of the Governor, as Director of Ecology.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ecology.

Office of the Governor, January 12, 1977.

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

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

LOUIS H. PEDERSEN, appointed January 12, 1977, for a term ending January 15, 1985, succeeding Jack Hood as Chairman and Member of the Liquor Control Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.



Office of the Governor, January 12, 1977.

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

I have the honor to submit the following appointment, subject to your confirmation:  
JOHN C. HEWITT, appointed January 12, 1977, serving at the pleasure of  
the Governor, as Director of the Department of Labor and Industries.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 12, 1977.

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

I have the honor to submit the following appointment, subject to your confirmation:  
JOSEPH E. GARCIA, appointed January 12, 1977, serving at the pleasure of  
the Governor, as Director of the Department of Employment Security.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 12, 1977.

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

I have the honor to submit the following appointment, subject to your confirmation:  
VERNON L. BARNES, appointed January 12, 1977, serving at the pleasure  
of the Governor, as Director of General Administration.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 12, 1977.

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

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

GARY STROHMAIER, appointed January 12, 1977, serving at the pleasure  
of the Governor, as Director of the Department of Agriculture.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Agriculture.

Office of the Governor, January 12, 1977.

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

I have the honor to submit the following appointment, subject to your confirmation:  
DR. ROBERT HOLLISTER, appointed January 12, 1977, serving at the  
pleasure of the Governor, as Director of State Retirement Systems.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, January 12, 1977.

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

I have the honor to submit the following appointment, subject to your confirmation:  
HARLAN McNUTT, appointed January 12, 1977, serving at the pleasure of  
the Governor, as Secretary of the Department of Social and Health Services.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

#### PRESIDENTIAL APPOINTMENT

President Cherberg appointed Senator Wanamaker as a member of the West-  
ern States Forest Task Force.

#### MOTION

On motion of Senator Walgren, the appointment of Senator Wanamaker was  
confirmed.

#### MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00  
a.m., Friday, January 14, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 14, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming, Mardesich, Pullen, Washington and Woody. On motion of Senator Talley, Senator Fleming was excused. On motion of Senator Odegaard, Senators Mardesich, Washington and Woody were excused. On motion of Senator Jones, Senator Benitz was excused.

The Color Guard, consisting of Pages Jennifer Hine and Kurt Timmermeister, presented the Colors. Father Matthew Neumes, of Saint Martin's Abbey of Olympia, offered the following prayer:

"ALMIGHTY FATHER, YOU ARE THE GIVER OF LIFE, YOU ARE TRUTH AND GOODNESS, THE VERY MEANING OF OUR LIVING. GRANT US RESPECT FOR YOUR GIFTS AND OUR DESTINY. HELP US TO SO ORDER THE AFFAIRS OF THIS LIFE THAT FREEDOM AND PLENTY BECOME THE GATEWAY TO GOODNESS. HELP US TO FIND IN YOUR TRUTH AND JUSTICE THE BEST FOR THE FUTURE. BLESS, O LORD, THE HONORABLE SENATE OF THIS STATE. THIS WE ASK IN YOUR NAME. AMEN."

### MOTION

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

### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2106**, by Senators Sellar and Talley:

AN ACT Relating to liens; and amending section 4, chapter 15, Laws of 1925 as amended by section 1, chapter 250, Laws of 1955 and RCW 60.68.040.

Referred to Committee on Local Government.

**SENATE BILL NO. 2107**, by Senators Sellar, Talley and Fleming:

AN ACT Relating to the state building code; amending section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030; and declaring an emergency.

Referred to Committee on State Government.

**SENATE BILL NO. 2108**, by Senators Henry, Bailey, Morrison and Sellar (by Office of Community Development request):

AN ACT Relating to public transportation; amending section 13, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.030; amending section 15, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.050; amending section 19, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.090; amending section 20, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.100; amending section 26, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.160; adding a new section to chapter 35.58 RCW; making an appropriation; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

## SENATE BILL NO. 2109, by Senators Beck and Lewis:

AN ACT Relating to elections for special taxing districts; amending section 13, chapter 182, Laws of 1945 as amended by section 1, chapter 114, Laws of 1951 and RCW 14.08.300; amending section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 237, Laws of 1959 and RCW 52.04.020; amending section 2, chapter 34, Laws of 1939 as last amended by section 1, chapter 13, Laws of 1963 ex. sess. and RCW 52.04.030; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12.010; amending section 4, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.090; amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 52, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.130; amending section 1, chapter 111, Laws of 1955 and RCW 52.22.010; amending section 9, chapter 237, Laws of 1959 and RCW 52.22.060; amending section 3, chapter 94, Laws of 1959 and RCW 53.04.017; amending section 2, chapter 17, Laws of 1959 and RCW 53.04.060; amending section 2, chapter 130, Laws of 1921 and RCW 53.04.100; amending section 1, chapter 114, Laws of 1929 and RCW 57.04.020; amending section 2, chapter 142, Laws of 1933 and RCW 57.08.030; amending section 1, chapter 77, Laws of 1967 and RCW 70.44.051; amending section 2, chapter 77, Laws of 1967 and RCW 70.44.053; amending section 3, chapter 77, Laws of 1967 and RCW 70.44.055; amending section 4, chapter 77, Laws of 1967 and RCW 70.44.057; adding a new chapter to Title 29 RCW to be designated chapter 29.22 RCW; repealing section 2, chapter 114, Laws of 1951 and RCW 14.08.302; repealing section 3, chapter 114, Laws of 1951 and RCW 14.08.304; repealing section 36.69.020, chapter 4, Laws of 1963, section 2, chapter 63, Laws of 1967, section 2, chapter 26, Laws of 1969 and RCW 36.69.020; repealing section 36.69.040, chapter 4, Laws of 1963 and RCW 36.69.040; repealing section 36.69.060, chapter 4, Laws of 1963 and RCW 36.69.060; repealing section 36.69.070, chapter 4, Laws of 1963 and RCW 36.69.070; repealing section 36.69.080, chapter 4, Laws of 1963 and RCW 36.69.080; repealing section 36.69.090, chapter 4, Laws of 1963, section 18, chapter 200, Laws of 1963 and RCW 36.69.090; repealing section 36.69.100, chapter 4, Laws of 1963 and RCW 36.69.100; repealing section 36.69.190, chapter 4, Laws of 1963, section 6, chapter 63, Laws of 1967, section 6, chapter 26, Laws of 1969 and RCW 36.69.190; repealing section 3, chapter 34, Laws of 1939 and RCW 52.04.040; repealing section 4, chapter 34, Laws of 1939 and RCW 52.04.050; repealing section 5, chapter 34, Laws of 1939, section 3, chapter 254, Laws of 1947 and RCW 52.04.060; repealing section 6, chapter 34, Laws of 1939 and RCW 52.04.070; repealing section 7, chapter 34, Laws of 1939 and RCW 52.04.080; repealing section 8, chapter 34, Laws of 1939 and RCW 52.04.090; repealing section 9, chapter 34, Laws of 1939 and RCW 52.04.100; repealing section 10, chapter 34, Laws of 1939, section 2, chapter 70, Laws of 1941 and RCW 52.04.110; repealing section 46, chapter 34, Laws of 1939 and RCW 52.04.155; repealing section 3, chapter 70, Laws of 1941, section 2, chapter 162, Laws of 1945, section 5, chapter 254, Laws of 1947, section 3, chapter 237, Laws of 1959, section 1, chapter 18, Laws of 1965 ex. sess., section 49, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.060; repealing section 2, chapter 59, Laws of 1965 and RCW 52.08.066; repealing section 3, chapter 59, Laws of 1965 and RCW 52.08.067; repealing section 4, chapter 59, Laws of 1965 and RCW 52.08.068; repealing section 3, chapter 242, Laws of 1971 ex. sess. and RCW 52.12.015; repealing section 23, chapter 34, Laws of 1939 and RCW 52.12.020; repealing section 24, chapter 34, Laws of 1939 and RCW 52.12.030; repealing section 25, chapter 34, Laws of 1939, section 7, chapter 254, Laws of 1947, section 1, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.040; repealing section 26, chapter 34, Laws of 1939, section 1, chapter 153, Laws of 1971 ex. sess., section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050; repealing section 27, chapter 34, Laws of 1939 and RCW 52.12.060; repealing section 4, chapter 24, Laws of

1951 2nd ex. sess. and RCW 52.16.090; repealing section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050; repealing section 12, chapter 254, Laws of 1947 and RCW 52.24.010; repealing section 13, chapter 254, Laws of 1947 and RCW 52.24.020; repealing section 14, chapter 254, Laws of 1947 and RCW 52.24.030; repealing section 15, chapter 254, Laws of 1947 and RCW 52.24.040; repealing section 16, chapter 254, Laws of 1947 and RCW 52.24.050; repealing section 17, chapter 254, Laws of 1947 and RCW 52.24.060; repealing section 5, chapter 176, Laws of 1953, section 1, chapter 42, Laws of 1963, section 2, chapter 18, Laws of 1965 ex. sess. and RCW 52.24.090; repealing section 6, chapter 176, Laws of 1953 and RCW 52.24.100; repealing section 28, chapter 34, Laws of 1939 and RCW 52.36.010; repealing section 2, chapter 92, Laws of 1911, section 1, chapter 62, Laws of 1913, section 1, chapter 157, Laws of 1971 ex. sess. and RCW 53.04.020; repealing section 6, chapter 17, Laws of 1959 and RCW 53.04.070; repealing section 1, chapter 130, Laws of 1921, section 1, chapter 16, Laws of 1935 and RCW 53.04.080; repealing section 2, chapter 157, Laws of 1971 ex. sess. and RCW 53.04.085; repealing section 1, chapter 140, Laws of 1929 and RCW 53.04.110; repealing section 3, chapter 17, Laws of 1959, section 1, chapter 51, Laws of 1965 and RCW 53.12.010; repealing section 4, chapter 17, Laws of 1959, section 1, chapter 175, Laws of 1959, section 2, chapter 51, Laws of 1965 and RCW 53.12.020; repealing section 9, chapter 175, Laws of 1959, section 3, chapter 51, Laws of 1965 and RCW 53.12.035; repealing section 7, chapter 17, Laws of 1959, section 2, chapter 175, Laws of 1959, section 4, chapter 51, Laws of 1965 and RCW 53.12.040; repealing section 3, chapter 69, Laws of 1951, section 4, chapter 175, Laws of 1959, section 21, chapter 200, Laws of 1963 and RCW 53.12.044; repealing section 5, chapter 17, Laws of 1959 and RCW 53.12.050; repealing section 10, chapter 175, Laws of 1959, section 5, chapter 51, Laws of 1965 and RCW 53.12.055; repealing section 6, chapter 51, Laws of 1965 and RCW 53.12.057; repealing section 3, chapter 62, Laws of 1913, section 1, chapter 204, Laws of 1927, section 6, chapter 175, Laws of 1959 and RCW 53.12.060; repealing section 10, chapter 17, Laws of 1959, section 3, chapter 175, Laws of 1959, section 7, chapter 51, Laws of 1965 and RCW 53.12.120; repealing section 11, chapter 17, Laws of 1959, section 8, chapter 51, Laws of 1965 and RCW 53.12.130; repealing section 9, chapter 17, Laws of 1959 and RCW 53.12.140; repealing section 8, chapter 17, Laws of 1959, section 8, chapter 175, Laws of 1959 and RCW 53.12.150; repealing section 1, chapter 133, Laws of 1935, section 1, chapter 17, Laws of 1941, section 1, chapter 68, Laws of 1951, section 19, chapter 200, Laws of 1963 and RCW 53.12.160; repealing section 2, chapter 68, Laws of 1951 and RCW 53.12.172; repealing section 8, chapter 133, Laws of 1935 and RCW 53.12.180; repealing section 10, chapter 133, Laws of 1935 and RCW 53.12.190; repealing section 9, chapter 133, Laws of 1935 and RCW 53.12.200; repealing section 1, chapter 113, Laws of 1925 ex. sess., section 1, chapter 45, Laws of 1941, section 20, chapter 200, Laws of 1963 and RCW 53.12.210; repealing section 2, chapter 113, Laws of 1925 ex. sess., section 2, chapter 45, Laws of 1941 and RCW 53.12.220; repealing section 3, chapter 113, Laws of 1925 ex. sess. and RCW 53.12.240; repealing section 1, chapter 187, Laws of 1975 1st ex. sess. and RCW 53.12.260; repealing section 2, chapter 187, Laws of 1975 1st ex. sess. and RCW 53.12.265; repealing section 1, chapter 12, Laws of 1975 1st ex. sess. and RCW 53.12.270; repealing section 5, chapter 7, Laws of 1941 and RCW 53.43.050; repealing section 6, chapter 7, Laws of 1941 and RCW 53.43.060; repealing section 1, chapter 26, Laws of 1961, section 2, chapter 102, Laws of 1965 and RCW 53.46.010; repealing section 2, chapter 26, Laws of 1961, section 3, chapter 102, Laws of 1965 and RCW 53.46.020; repealing section 3, chapter 26, Laws of 1961, section 4, chapter 102, Laws of 1965 and RCW 53.46.030; repealing section 3, chapter 162, Laws of 1971 ex. sess. and RCW 53.47.030; repealing section 4, chapter 162, Laws of 1971 ex. sess., section 59, chapter 195, Laws of 1973 1st ex. sess. and RCW

53.47.040; repealing section 1, chapter 87, Laws of 1941 and RCW 53.48.010; repealing section 2, chapter 87, Laws of 1941 and RCW 53.48.020; repealing section 3, chapter 87, Laws of 1941 and RCW 53.48.030; repealing section 4, chapter 87, Laws of 1941 and RCW 53.48.040; repealing section 5, chapter 87, Laws of 1941 and RCW 53.48.050; repealing section 6, chapter 87, Laws of 1941 and RCW 53.48.060; repealing section 7, chapter 87, Laws of 1941 and RCW 53.48.070; repealing section 8, chapter 87, Laws of 1941 and RCW 53.48.080; repealing section 9, chapter 87, Laws of 1941 and RCW 53.48.090; repealing section 10, chapter 87, Laws of 1941 and RCW 53.48.120; repealing section 1, chapter 266, Laws of 1953 and RCW 53.48.130; repealing section 1, chapter 282, Laws of 1943 and RCW 53.49.010; repealing section 2, chapter 282, Laws of 1943 and RCW 53.49.020; repealing section 1, chapter 139, Laws of 1971 ex. sess. and RCW 56.02.060; repealing section 2, chapter 210, Laws of 1941, section 2, chapter 140, Laws of 1945 and RCW 56.04.030; repealing section 4, chapter 210, Laws of 1941, section 4, chapter 140, Laws of 1945, section 1, chapter 250, Laws of 1953, section 61, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.04.050; repealing section 6, chapter 210, Laws of 1941, section 5, chapter 140, Laws of 1945 and RCW 56.04.060; repealing section 5, chapter 210, Laws of 1941 and RCW 56.04.070; repealing section 47, chapter 210, Laws of 1941, section 16, chapter 140, Laws of 1945 and RCW 56.04.090; repealing section 1, chapter 110, Laws of 1953, section 12, chapter 55, Laws of 1955, section 17, chapter 200, Laws of 1963 and RCW 56.12.020; repealing section 8, chapter 210, Laws of 1941, section 7, chapter 140, Laws of 1945, section 1, chapter 212, Laws of 1947, section 9, chapter 250, Laws of 1953 and RCW 56.12.030; repealing section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.070; repealing section 2, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.080; repealing section 3, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.090; repealing section 4, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.100; repealing section 5, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.110; repealing section 6, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.120; repealing section 7, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.130; repealing section 8, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.140; repealing section 9, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.150; repealing section 11, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.900; repealing section 27, chapter 250, Laws of 1953 and RCW 56.28.010; repealing section 2, chapter 197, Laws of 1967, section 1, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.010; repealing section 3, chapter 197, Laws of 1967, section 2, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.020; repealing section 4, chapter 197, Laws of 1967, section 3, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.030; repealing section 5, chapter 197, Laws of 1967, section 4, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.040; repealing section 6, chapter 197, Laws of 1967, section 5, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.050; repealing section 7, chapter 197, Laws of 1967 and RCW 56.32.060; repealing section 8, chapter 197, Laws of 1967 and RCW 56.32.070; repealing section 9, chapter 197, Laws of 1967, section 6, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.080; repealing section 10, chapter 197, Laws of 1967 and RCW 56.32.090; repealing section 11, chapter 197, Laws of 1967, section 7, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.100; repealing section 12, chapter 197, Laws of 1967, section 8, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.110; repealing section 9, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.115; repealing section 13, chapter 197, Laws of 1967 and RCW 56.32.120; repealing section 24, chapter 251, Laws of 1953 and RCW 57.02.010; repealing section 2, chapter 114, Laws of 1929, section 3, chapter 72, Laws of 1931 and RCW 57.04.030; repealing section 3, chapter 114, Laws of 1929, section 4, chapter 72, Laws of 1931, section 1, chapter 251, Laws of 1953, section 67, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.04.050; repealing section 5,

chapter 114, Laws of 1929 and RCW 57.04.060; repealing section 4, chapter 114, Laws of 1929 and RCW 57.04.070; repealing section 24, chapter 114, Laws of 1929 and RCW 57.04.080; repealing section 1, chapter 147, Laws of 1917, section 25, chapter 114, Laws of 1929 and RCW 57.04.100; repealing section 1, chapter 358, Laws of 1955 and RCW 57.04.110; repealing section 3, chapter 18, Laws of 1959, section 14, chapter 188, Laws of 1975 1st ex. sess. and RCW 57.12.020; repealing section 4, chapter 18, Laws of 1959 and RCW 57.12.030; repealing section 15, chapter 18, Laws of 1959 and RCW 57.24.010; repealing section 16, chapter 18, Laws of 1959 and RCW 57.24.020; repealing section 16, chapter 114, Laws of 1929 and RCW 57.24.040; repealing section 17, chapter 114, Laws of 1929 and RCW 57.24.050; repealing section 22, chapter 251, Laws of 1953 and RCW 57.24.060; repealing section 18, chapter 251, Laws of 1953 and RCW 57.24.070; repealing section 19, chapter 251, Laws of 1953 and RCW 57.24.080; repealing section 20, chapter 251, Laws of 1953 and RCW 57.24.090; repealing section 21, chapter 251, Laws of 1953 and RCW 57.24.100; repealing section 1, chapter 55, Laws of 1941 and RCW 57.28.010; repealing section 2, chapter 55, Laws of 1941 and RCW 57.28.020; repealing section 3, chapter 55, Laws of 1941 and RCW 57.28.030; repealing section 4, chapter 55, Laws of 1941, section 3, chapter 112, Laws of 1951 and RCW 57.28.040; repealing section 5, chapter 55, Laws of 1941 and RCW 57.28.050; repealing section 6, chapter 55, Laws of 1941 and RCW 57.28.060; repealing section 7, chapter 55, Laws of 1941 and RCW 57.28.070; repealing section 8, chapter 55, Laws of 1941 and RCW 57.28.080; repealing section 9, chapter 55, Laws of 1941 and RCW 57.28.090; repealing section 10, chapter 55, Laws of 1941 and RCW 57.28.100; repealing section 11, chapter 55, Laws of 1941 and RCW 57.28.110; repealing section 1, chapter 267, Laws of 1943, section 1, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.010; repealing section 2, chapter 267, Laws of 1943, section 2, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.020; repealing section 8, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.021; repealing section 9, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.022; repealing section 10, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.023; repealing section 11, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.024; repealing section 13, chapter 267, Laws of 1943 and RCW 57.32.130; repealing section 1, chapter 28, Laws of 1961, section 3, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.010; repealing section 2, chapter 28, Laws of 1961, section 4, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.020; repealing section 3, chapter 28, Laws of 1961, section 5, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.030; repealing section 4, chapter 28, Laws of 1961, section 6, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.040; repealing section 5, chapter 28, Laws of 1961, section 7, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.050; repealing section 1, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.100; repealing section 2, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.110; repealing section 3, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.120; repealing section 4, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.130; repealing section 5, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.140; repealing section 6, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.150; repealing section 1, chapter 55, Laws of 1963 and RCW 57.90.010; repealing section 2, chapter 55, Laws of 1963 and RCW 57.90.020; repealing section 3, chapter 55, Laws of 1963 and RCW 57.90.030; repealing section 4, chapter 55, Laws of 1963 and RCW 57.90.040; repealing section 5, chapter 55, Laws of 1963 and RCW 57.90.050; repealing section 1, chapter 125, Laws of 1971 ex. sess. and RCW 57.90.100; repealing section 2, chapter 6, Laws of 1947 and RCW 68.16.020; repealing section 3, chapter 6, Laws of 1947 and RCW 68.16.030; repealing section 4, chapter 6, Laws of 1947 and RCW 68.16.040; repealing section 5, chapter 6, Laws of 1947 and RCW 68.16.050; repealing section 6, chapter 6, Laws of 1947 and RCW 68.16.060; repealing section 7, chapter 6, Laws of 1947 and RCW 68.16.070;

repealing section 9, chapter 6, Laws of 1947 and RCW 68.16.090; repealing section 14, chapter 6, Laws of 1947 and RCW 68.16.140; repealing section 15, chapter 6, Laws of 1947 and RCW 68.16.150; repealing section 16, chapter 6, Laws of 1947 and RCW 68.16.160; repealing section 17, chapter 6, Laws of 1947 and RCW 68.16.170; repealing section 24, chapter 6, Laws of 1947 and RCW 68.16.240; repealing section 1, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.010; repealing section 2, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.020; repealing section 3, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.030; repealing section 4, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.040; repealing section 5, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.050; repealing section 6, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.060; repealing section 7, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.070; repealing section 8, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.080; repealing section 9, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.090; repealing section 10, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.100; repealing section 11, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.110; and repealing section 12, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.120.

Referred to Committee on Constitution.

SENATE BILL NO. 2110, by Senators Woody, Talley and Sellar:

AN ACT Relating to counties; and amending section 36.48.090, chapter 4, Laws of 1963 as amended by section 8, chapter 126, Laws of 1973 and RCW 36.48.090.

Referred to Committee on Local Government.

SENATE BILL NO. 2111, by Senators Talley, Henry, Lewis and Sellar:

AN ACT Relating to counties; and amending section 36.47.040, chapter 4, Laws of 1963 as last amended by section 35, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.47.040.

Referred to Committee on Local Government.

SENATE BILL NO. 2112, by Senators Wilson, Sellar and Henry:

AN ACT Relating to civil service for sheriffs' offices; amending section 6, chapter 1, Laws of 1959 and RCW 41.14.060; amending section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070; and amending section 13, chapter 1, Laws of 1959 and RCW 41.14.130.

Referred to Committee on Local Government.

SENATE BILL NO. 2113, by Senator Washington:

AN ACT Relating to institutions of higher education; creating new sections; 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. 2114, by Senators von Reichbauer and Van Hollebeke (by Parks and Recreation Commission request):

AN ACT Relating to parks and parkways; and amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2115, by Senators McDermott, Donohue, Buffington, Fleming and Francis:

AN ACT Relating to education; making an appropriation; and making an effective date.

Referred to Committee on Education.



SENATE BILL NO. 2116, by Senators Henry, Talley, Washington and Sellar:  
AN ACT Relating to public utility districts' sewage systems; and amending section 19, chapter 390, Laws of 1955 as last amended by section 1, chapter 196, Laws of 1963 and RCW 54.16.180.

Referred to Committee on Local Government.

SENATE BILL NO. 2117, by Senators Henry, Morrison and Woody:  
AN ACT Relating to the retirement of judges; and amending section 1, chapter 286, Laws of 1961 as amended by section 2, chapter 30, Laws of 1971 and RCW 2.12.012.

Referred to Judiciary Committee.

SENATE BILL NO. 2118, by Senators Wanamaker and Buffington:  
AN ACT Relating to the superior courts; and amending section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.065.

Referred to Judiciary Committee.

SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison, Pullen and Goltz:

AN ACT Relating to the administrative procedure act; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 4, chapter 237, Laws of 1967 and RCW 34.04.027; amending section 3, chapter 234, Laws of 1959 and RCW 34.04.030; adding a new section to chapter 234, Laws of 1959 and to chapter 34.04 RCW; repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160; and declaring an emergency.

Referred to Committee on State Government.

There being no objection, additional sponsors were permitted on Senate Bills 2108, 2111, 2115, 2116, 2119.

#### MOTION

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

#### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1977-4

By Senators von Reichbauer and Gaspard:

WHEREAS, The Black Watch Drum and Bugle Corps is an organization one hundred fifteen members strong; and

WHEREAS, This five-year old organization is composed of young adults between the ages of twelve and twenty-one years; and

WHEREAS, The membership is broadly representative of the Green River Valley and its environs; and

WHEREAS, The year 1976 found the Black Watch traveling to points from San Jose, California to Boston, Massachusetts, representing the State of Washington; and

WHEREAS, Such far-flung travels have enhanced the fine reputation developed by many competitions participated in at the state and local level; and

WHEREAS, The national reputation of the Black Watch is best evidenced by the fact that they are currently National Champions of the American Legion; and

WHEREAS, The community spirit behind the Black Watch is supported by a booster club representing parents, friends and former members; and

WHEREAS, Governor Ray has designated the Black Watch Drum and Bugle Corps to represent the State of Washington at President Carter's Inaugural Parade on January 20th in Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Black Watch Drum and Bugle Corps be commended and congratulated for its past performances and accept the best wishes of the members of the Senate as it embarks on the journey to Washington, D.C.; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a suitably inscribed copy of this resolution to the Black Watch Drum and Bugle Corps.

#### MOTION

Senator Gould moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-5

By Senators Gould, Sandison, Matson, Bailey, McDermott, Walgren, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn and Woody:

WHEREAS, Michael G. Boivin, Assistant Executive Secretary of the Washington State School Directors' Association, passed away this 12th day of January, 1977, under tragic circumstances; and

WHEREAS, Michael, serving in his role as legislative liaison for the School Directors' Association, proved a valuable asset to the legislative process of the State of Washington; and

WHEREAS, Michael's accomplishments included Regional Directorship of Fidelity Union Life Insurance Company, association with Educators' Life Insurance Company, teacher and coach in the Edmonds School District, State Chairman of the National Organization on Legal Problems in Education, Membership in Toastmasters International, and various publications to include: The Negotiator, A Guide for School Directors and Washington's Negotiations Law: A Five Year Review; and

WHEREAS, In this role, and as shown by his accomplishments, Michael exhibited a dedicated interest and desire to improve the educational standards of the common schools in the State of Washington; and

WHEREAS, Realizing that Michael Boivin was a family man with a close and loving relationship with his wife, Vera, and his children, Jeffrey and Coreen;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the members of the Senate do hereby extend to the family of Michael G. Boivin their sincerest condolences; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the widow and children of Michael G. Boivin.

#### REMARKS BY SENATOR GOULD

Senator Gould: "I think this resolution speaks for itself. As you well know, last Wednesday Mike Boivin was killed instantly when he swerved to avoid a hitch hiker. I have known and worked with Mike for nine years through the School Directors' Association. Ironically, prior to that, he was a teacher in my own school district. I know that Mike was dedicated really to the attainment of excellence in education for all the children of the State of Washington, and he would be particularly happy, I suppose, with some of the results this morning in this morning's court case, but I do want to honor him at this time."

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

### MOTION

Senator McDermott moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-6

By Senators Fleming and McDermott:

WHEREAS, We, the members of the Senate, congregated here to carry out the responsibilities delegated to us by the citizens of this state, reflect for a moment that almost nine years ago a man with prodigious energies and a credo of peaceful resistance was assassinated; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr., altered the course of human events by tearing asunder the policies of racial oppression, an achievement which brought him the Nobel Peace Prize; and

WHEREAS, This man, a man who spoke against all societal practices that degraded the human personality, devoted his God-fearing life to the betterment of the quality of life for the oppressed and the poor in America; and

WHEREAS, This champion of minorities preached hope not despair, love not hate, trust not suspicion, cooperation not conflict, the dignity of the individual not the artificial superiority of a class, and in doing so dared Americans to reexamine our attitude toward our fundamental credo that "all men are created equal";

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the Senate of the State of Washington, pause in our deliberations to honor the memory of an extraordinary American, the Reverend Dr. Martin Luther King, Jr., and call to the attention of the citizens of this state his lasting contributions; and

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 McDERMOTT

Senator McDermott: "Senator Fleming called me this morning and said he was unable to be here, and asked me if I would say a few words about Dr. King. I consider it a great honor to be asked.

"It is sad, but some men's fate and women's fate is to only receive the acknowledgement of their accomplishments after they die. In the nine years since Martin Luther King died many of the things he stood for have come to pass. We still, in this state and in this country, face the resolution of some of those problems. I think it is important that we today take a moment to recommit ourselves to working on these problems, and I hope that all of you with the school children of this state will take the action in this coming year to make this a state school holiday.

"His example is one that is not only for minorities, but for every member of this state. Thank you."

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

### MOTION

At 11:21 a.m., on motion of Senator Walgren, the Senate adjourned until 12:00 noon, Monday, January 17, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Monday, January 17, 1977.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Gaspard, McDermott, Murray and Wanamaker. On motion of Senator Odegaard, Senators Bottiger, Gaspard and McDermott were excused. On motion of Senator Jones, Senators Murray and Wanamaker were excused.

The Color Guard, consisting of Pages Mary Hocum and Ryan Rothgeb, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HELP IN AGES PAST, OUR HOPE FOR YEARS TO COME, WE THANK YOU FOR THE GREAT GIFT OF LIFE THIS DAY. FOR THE PRIVILEGE OF SERVICE; FOR THE GREAT BENEFIT OF FREEDOM, WE THANK YOU FOR YOUR BLESSINGS UPON THIS GREAT STATE OF WASHINGTON. THESE LEGISLATORS GATHER FROM THE FOUR CORNERS OF IT TO ENACT LAWS FOR THE BENEFIT OF THE MAJORITY. GRANT THEM THIS DAY YOUR WISDOM, LORD. WHEN SOLOMON WAS KING OF ISRAEL, HIS GREATEST REQUEST WAS FOR WISDOM TO FULFILL HIS ROLE. WE BELIEVE THAT IS A WORTHY REQUEST TODAY, FATHER. THE ABILITY TO USE KNOWLEDGE WELL. WITHOUT YOUR WISDOM AND COUNSEL WE WASTE TIME, WE WASTE ENERGY, WE WASTE RESOURCES. COME JUST NOW AS WE OPEN OUR MINDS AND HEARTS TO YOU. CLEANSE OF ALL NEGATIVISM. MAKE AN OPEN CHANNEL THAT WE MAY HEAR YOUR VOICE, RECEIVE YOUR COUNSEL, AND WORK IN YOUR MIGHT AND POWER. THANK YOU FOR IT JUST NOW, LORD. FOR A PROFITABLE AND PRODUCTIVE DAY, WE THANK YOU. 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.

### REPORT OF STANDING COMMITTEE

January 14, 1977.

SENATE BILL NO. 2056, implementing constitutional amendment permitting school districts levies for two year periods (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2056 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Scott, Walgren.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

January 14, 1977.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 103, with the following amendment:

Add the following additional paragraph:

"BE IT FURTHER RESOLVED, That none of the terminal dates set forth above shall prevent either the Senate or the House from the consideration of Initiatives to the Legislature at any time prior to the closing of the regular session of the legislature.", and the same is herewith transmitted.

ROSALIE E. GITTINGS, Assistant Chief Clerk.

## MOTIONS

On motion of Senator Walgren, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 103.

On motion of Senator Walgren, Senate Concurrent Resolution No. 103, as amended by the House, was adopted.

## MOTION

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2120, by Senator Goltz:

AN ACT Relating to pay telephones; and amending section 1, chapter 21, Laws of 1975 and RCW 80.36.225.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2121, by Senators Scott, Marsh, Clarke and Odegaard (by Legislative Budget Committee request):

AN ACT Relating to state government publications; amending section 1, chapter 233, Laws of 1963 and RCW 40.06.010; amending section 2, chapter 233, Laws of 1963 and RCW 40.06.020; amending section 3, chapter 233, Laws of 1963 and RCW 40.06.030; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; adding a new section to chapter 27.04 RCW; adding a new section to chapter 40.04 RCW; adding a new chapter to Title 40 RCW; repealing section 1, chapter 150, Laws of 1941 and RCW 40.04.010; repealing section 2, chapter 150, Laws of 1941 and RCW 40.04.020; repealing section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2122, by Senators Van Hollebeke and Jones:

AN ACT Relating to civil procedure; and adding new sections to chapter 6.36 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2123, by Senators Talley, North and Sellar:

AN ACT Relating to fire protection district commissioners; and amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050.

Referred to Committee on Local Government.

SENATE BILL NO. 2124, by Senators Guess and Henry:

AN ACT Relating to highway projects; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 and RCW 47.28.050.

Referred to Committee on Transportation.

SENATE BILL NO. 2125, by Senators Henry, Gaspard and Bausch:

AN ACT Relating to railway bridges; amending section 81.36.100, chapter 14, Laws of 1961 and RCW 81.36.100; adding new sections to chapter 81.36 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2126, by Senators Gaspard, Ridder and Morrison:

AN ACT Relating to the regulation of railroads; and amending section 81.40.040, chapter 14, Laws of 1961 and RCW 81.40.040.

Referred to Committee on Labor.

SENATE BILL NO. 2127, by Senator Day;

AN ACT Relating to social and health services; and amending section 1, chapter 251, Laws of 1961 as last amended by section 9, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.800.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2128, by Senator Rasmussen, Walgren and Wanamaker:

AN ACT Relating to special fuel taxes; and amending section 1, chapter 42, Laws of 1973 and RCW 82.38.080.

Referred to Committee on Transportation.

SENATE BILL NO. 2129, by Senators Walgren, Clarke, Rasmussen and Wilson:

AN ACT Relating to state government; and adding a new section to chapter 34.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2130, by Senators Walgren, Clarke, Rasmussen and Wilson:

AN ACT Relating to state government; and adding a new section to chapter 34.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2131, by Senators Walgren, Clarke, Rasmussen and Wilson:

AN ACT Relating to state government; and adding a new section to chapter 34.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2132, by Senators Washington, Sellar and Talley;

AN ACT Relating to public utility districts; and amending section 4, chapter 207, Laws of 1951 as last amended by section 5, chapter 106, Laws of 1969 and RCW 54.12.080.

Referred to Committee on Local Government.

SENATE BILL NO. 2133, by Senators Scott, Newschwander, Odegaard and Clarke (by Legislative Budget Committee request):

AN ACT Relating to state government reports and publications; amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050; amending section 5, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.050; amending section 11, chapter 159, Laws of 1963 as last amended by section 7, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.170; amending section 9, chapter 218, Laws of 1973 1st ex. sess. as amended by section

4, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.090; amending section 11, chapter 340, Laws of 1955 and RCW 9.95.265; amending section 5, chapter 165, Laws of 1947 and RCW 14.04.050; amending section 15.04.020, chapter 11, Laws of 1961 and RCW 15.04.020; amending section 9, chapter 226, Laws of 1949 and RCW 18.04.100; amending section 14, chapter 3, Laws of 1965 ex. sess. as amended by section 31, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.251; amending section 1, chapter 297, Laws of 1959 as amended by section 1, chapter 142, Laws of 1961 and RCW 18.43.035; amending section 8, chapter 202, Laws of 1949 as last amended by section 50, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.080; amending section 10, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.280; amending section 1, chapter 177, Laws of 1903 and RCW 27.28-.010; amending section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010; amending section 5, chapter 44, Laws of 1941 as amended by section 3, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.050; amending section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 47, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03-.030; amending section 28A.10.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.025; amending section 28A.91.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.060; amending section 28B.20.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.130; amending section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as amended by section 47, chapter 154, Laws of 1973 1st ex. sess. and RCW 28B.30.150; amending section 28B.30.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.215; amending section 28B.30.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.300; amending section 28B.30.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.310; amending section 28B.40.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.130; amending section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 62, Laws of 1973 and RCW 28B.50.070; amending section 28B.50.130, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 62, Laws of 1973 and RCW 28B-.50.130; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; amending section 35.21.260, chapter 7, Laws of 1965 and RCW 35.21.260; amending section 1, chapter 27, Laws of 1971 ex. sess. as amended by section 17, chapter 288, Laws of 1971 ex. sess. and RCW 36.21.015; amending section 36.75.260, chapter 4, Laws of 1963 and RCW 36.75.260; amending section 3, chapter 250, Laws of 1957 and RCW 38.12.020; amending section 3, chapter 78, Laws of 1949 and RCW 41.04.060; reenacting and amending section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020; amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028; amending section 3, chapter 41, Laws of 1967 ex. sess. as amended by section 2, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.140; amending section 43.08.010, chapter 8, Laws of 1965 and RCW 43.08-.010; amending section 43.08.150, chapter 8, Laws of 1965 and RCW 43.08.150; amending section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050; amending section 43.09-.230, chapter 8, Laws of 1965 and RCW 43.09.230; amending section 43.10.100, chapter 8, Laws of 1965 and RCW 43.10.100; amending section 43.19.090, chapter 8, Laws of 1965 and RCW 43.19.090; amending section 43.20.100, chapter 8, Laws of 1965 and RCW 43.20.100; amending section 2, chapter 189, Laws of 1971 ex. sess. as amended by section 98, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.360; amending section 43.21.130, chapter 8, Laws of 1965 and RCW 43.21.130; amending section 20, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.200; amending section 43.22.270, chapter 8, Laws of 1965 as last amended

by section 32, chapter 296, Laws of 1975 1st ex. sess. and RCW 43.22.270; amending section 43.22.330, chapter 8, Laws of 1965 and RCW 43.22.330; amending section 43.23.120, chapter 8, Laws of 1965 and RCW 43.23.120; amending section 43.23.130, chapter 8, Laws of 1965 and RCW 43.23.130; amending section 43.30.200, chapter 8, Laws of 1965 and RCW 43.30.200; amending section 43.31.050, chapter 8, Laws of 1965 and RCW 43.31.050; amending section 43.31.160, chapter 8, Laws of 1965 and RCW 43.31.160; amending section 33, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.330; amending section 43.49.070, chapter 8, Laws of 1965 and RCW 43.49.070; amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040; amending section 6, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.800; amending section 43.56.030, chapter 8, Laws of 1965 and RCW 43.56.030; amending section 43.61.040, chapter 8, Laws of 1965 as last amended by section 22, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.040; amending section 43.62.030, chapter 8, Laws of 1965 as amended by section 2, chapter 50, Laws of 1969 ex. sess. and RCW 43.62.030; amending section 43.62.050, chapter 8, Laws of 1965 as amended by section 2, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.62.050; amending section 8, chapter 74, Laws of 1967 and RCW 43.63A.080; amending section 1, chapter 53, Laws of 1969 ex. sess. and RCW 43.63A.085; amending section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020; amending section 29, chapter 21, Laws of 1961 ex. sess. as last amended by section 5, chapter 32, Laws of 1967 and RCW 46.01.290; amending section 46.52.060, chapter 12, Laws of 1961 as amended by section 56, chapter 32, Laws of 1967 and RCW 46.52.060; amending section 1, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.141; amending section .02.17, chapter 79, Laws of 1947 and RCW 48.02.170; amending section 1, chapter 225, Laws of 1959 and RCW 48.02.180; amending section .33.11, chapter 79, Laws of 1947 and RCW 48.48.110; amending section 1, chapter 231, Laws of 1941 as last amended by section 143, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.04.010; amending section 20, chapter 174, Laws of 1913 and RCW 49.12.180; amending section 7, chapter 270, Laws of 1955 and RCW 49.60.100; amending section 40, chapter 35, Laws of 1945 as last amended by section 1, chapter 286, Laws of 1955 and RCW 50.12.010; amending section 55, chapter 35, Laws of 1945 and RCW 50.12.160; amending section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020; amending section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 150, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.04.110; amending section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 182, Laws of 1955 and RCW 66.08.028; amending section 3, chapter 55, Laws of 1933 and RCW 67.16.015; amending section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100; amending section 14, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.130; amending section 4, chapter 197, Laws of 1949 as amended by section 4, chapter 252, Laws of 1959 and RCW 70.40.040; amending section 72.01.320, chapter 28, Laws of 1959 and RCW 72.01.320; amending section 32, chapter 171, Laws of 1961 and RCW 72.01.420; amending section 5, chapter 273, Laws of 1959 as amended by section 12, chapter 189, Laws of 1971 ex. sess. and RCW 72.60.280; amending section 75.08.020, chapter 12, Laws of 1955 and RCW 75.08.020; amending section 4, chapter 125, Laws of 1911 and RCW 76.04.050; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 175, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 77.04.060; amending section 1, chapter 293, Laws of 1955 as amended by section 1, chapter 129, Laws of 1965 and RCW 79.24.300; amending section 80.01.090, chapter 14, Laws of 1961 and RCW 80.01.090; amending section 3, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.060; amending section 5, chapter 158, Laws of 1919 as last amended by section 5,



chapter 51, Laws of 1972 ex. sess. and RCW 89.16.050; amending section 7, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.070; amending section 10, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.090; repealing section 9, chapter 254, Laws of 1951 and RCW 9.81.130; repealing section 15.32.696, chapter 11, Laws of 1961 and RCW 15.32.696; repealing section 15.60.160, chapter 11, Laws of 1961 and RCW 15.60.160; repealing section 15.64.020, chapter 11, Laws of 1961 and RCW 15.64.020; repealing section 30, chapter 165, Laws of 1927 and RCW 16.44.170; repealing section 10, chapter 226, Laws of 1949 and RCW 18.04.110; repealing section 24, chapter 52, Laws of 1957 and RCW 18.32.060; repealing section 28B-.30.320, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.320; repealing section 11, chapter 277, Laws of 1969 ex. sess., section 8, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.100; repealing section 5, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.140; repealing section 43.07.060, chapter 8, Laws of 1965 and RCW 43.07.060; repealing section 43.07.070, chapter 8, Laws of 1965 and RCW 43.07.070; repealing section 43.07.080, chapter 8, Laws of 1965 and RCW 43.07-.080; repealing section 43.92.030, chapter 8, Laws of 1965 and RCW 43.92.030; repealing section 15, chapter 96, Laws of 1961 and RCW 47.42.150; repealing section 47.56.350, chapter 13, Laws of 1961 and RCW 47.56.350; repealing section 6, chapter 82, Laws of 1967 and RCW 70.83.060; repealing section 5, chapter 188, Laws of 1961 and RCW 70.94.340; repealing section 72.16.090, chapter 28, Laws of 1959 and RCW 72.16.090; repealing section 74.09.140, chapter 26, Laws of 1959 and RCW 74.09.140; repealing section 8, chapter 154, Laws of 1923 and RCW 76.12.150; repealing section 84.08.090, chapter 15, Laws of 1961, section 153, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.090; repealing section 84.08.100, chapter 15, Laws of 1961 and RCW 84.08.100; repealing section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and repealing section 2, chapter 284, Laws of 1969 ex. sess. and RCW 90.48.295.

Referred to Committee on State Government.

SENATE BILL NO. 2134, by Senator Grant:

AN ACT Relating to class H liquor licenses; 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. 2135, by Senators Keefe, Grant and Talley:

AN ACT Relating to industrial welfare; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce.

## MOTION

On motion of Senator Keefe, Senator Talley was permitted as an additional sponsor to Senate Bill No. 2135.

SENATE BILL No. 2136, by Senators Grant and Van Hollebeke:

AN ACT Relating to class H liquor licenses; 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; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420.

Referred to Committee on State Government.

SENATE BILL NO. 2137, by Senator Grant:

AN ACT Relating to employees' wages; amending section 1, chapter 195, Laws of 1939 as amended by section 1, chapter 72, Laws of 1941 and RCW 49.52.050; and prescribing a penalty.

Referred to Committee on Labor.

SENATE BILL NO. 2138, by Senator Grant:

AN ACT Relating to education; and amending section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.135.

Referred to Committee on Education.

SENATE BILL NO. 2139, by Senators Grant, Ridder and Morrison:

AN ACT Relating to civil service law; and amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150.

Referred to Committee on Labor.

SENATE BILL NO. 2140, by Senators Marsh, Francis, Buffington, Wilson, Herr, Goltz and von Reichbauer:

AN ACT Relating to protection of personal information; creating a new chapter in Title 42 RCW; and providing penalties.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Marsh, Senators Wilson, Herr, Goltz and von Reichbauer were permitted as additional sponsors to Senate Bill No. 2140.

SENATE BILL NO. 2141, by Senators Rasmussen, Sandison and Clarke (by request of the Lieutenant Governor):

AN ACT Relating to purchasing and material control in government; creating new sections; and amending section 43.19.1904, chapter 8, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19-.1904.

Referred to Committee on State Government.

SENATE BILL NO. 2142, by Senators Talley, Marsh and Henry:

AN ACT Relating to elections; amending section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010; and amending section 29.21.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.010.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2143, by Senators Bottiger, Gaspard and Wojahn:

AN ACT Relating to superior court judges; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061.

Referred to Judiciary Committee.

SENATE BILL NO. 2144, by Senators Wilson and Rasmussen:

AN ACT Relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2145, by Senators Gaspard, Lewis and Bausch:

AN ACT Relating to energy resource development.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2146, by Senators Bausch, Gaspard and Wilson:  
AN ACT Relating to energy consumption.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2147, by Senators Bottiger, Bausch and Wilson:  
AN ACT Relating to emergency energy use curtailment.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2148, by Senators Wilson, Lewis and Bausch:  
AN ACT Relating to the energy facility site evaluation council.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2149, by Senators Bottiger, Bausch and Wilson:  
AN ACT Relating to energy resource distribution.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2150, by Senators Gaspard, Bausch and Bottiger:  
AN ACT Relating to energy resource movement.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2151, by Senators Bausch, Gaspard, Lewis and Wilson:  
AN ACT Relating to emergency energy allocation.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2152, by Senators Wilson, Bausch and Lewis:  
AN ACT Relating to the energy facility site evaluation council.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2153, by Senators Woody, Clarke, Day, McDermott,  
North, Sellar and Hayner:

AN ACT Relating to medical malpractice; and amending section 1, chapter 80,  
Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess.  
and RCW 4.16.350.

#### MOTION

On motion of Senator Francis, Senate Bill No. 2153 was referred to the Judiciary Committee.

SENATE BILL NO. 2154, by Senators Bottiger and Hayner:

AN ACT Relating to industrial insurance; adding new sections to chapter 51.24 RCW; and repealing section 51.24.010, chapter 23, Laws of 1961, section 7, chapter 274, Laws of 1961, section 37, chapter 289, Laws of 1971 ex. sess., section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010.

Referred to Committee on Labor.

SENATE BILL NO. 2155, by Senators Day, Clarke, Woody, McDermott,  
Sellar, North and Hayner:

AN ACT Relating to claims; and adding a new section to chapter 4.44 RCW.

#### MOTION

On motion of Senator Francis, Senate Bill No. 2155 was referred to the Judiciary Committee.

SENATE BILL NO. 2156, by Senators Day, Woody, McDermott, Sellar and Francis:

AN ACT Relating to health care professionals; and amending section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2157, by Senators Day, Woody, Buffington, McDermott, Francis, Sellar, North and Hayner:

AN ACT Relating to the medical disciplinary board; amending section 4, chapter 202, Laws of 1955 and RCW 18.72.040; and amending section 5, chapter 202, Laws of 1955 and RCW 18.72.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2158, by Senators Francis, Clarke, Woody and McDermott:

AN ACT Relating to health care; and amending section 1, chapter 58, Laws of 1905 and RCW 19.36.010.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2159, by Senators Woody, Clarke, Day, Sellar and Hayner:

AN ACT Relating to claims; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2160, by Senators McDermott, Gould, Francis and Hayner (by Superintendent of Public Instruction request):

AN ACT Relating to and authorizing certain contracts by school districts and educational service districts; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 and chapter 28A.21 RCW.

Referred to Committee on Education.

SENATE JOINT RESOLUTION NO. 104, by Senators Francis, Clarke, Marsh and Van Hollebeke:

Amending the Constitution to adopt a new judicial article.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Francis, Senator Van Hollebeke was permitted as an additional sponsor to Senate Joint Resolution No. 104.

There being no objection, additional sponsors were permitted on Senate Bills 2121, 2129, 2130, 2131, 2133, 2151, 2153, 2156, 2157, 2158, 2159, 2160.

#### MOTION

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

#### MOTION

Senator Lewis moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-7

By Senators von Reichbauer and Lewis:

WHEREAS, Thomas C. Garrett has faithfully served for six years on the Washington State Parks and Recreation Commission; and

WHEREAS, He has demonstrated his concern for his fellow man through his involvement with the Spokane Rotary Club, the United Crusade campaign, and as a member of the advisory board of the Spokane Guild for Retarded Children; and

WHEREAS, He has shown his interest in mountaineering and the outdoors by climbing Mount Kilimanjaro; and

WHEREAS, His belief in the traditions of his country are reflected by his honorable military service in the Navy and is currently a member of the Navy Reserve where he holds the rank of full Commander; and

WHEREAS, He has shown his leadership and organizational skills as Vice President and Director of Spokane Lilac Festival Association;

NOW, THEREFORE, BE IT RESOLVED, That Mr. Thomas C. Garrett be commended as a distinguished citizen for dedicated service on behalf of the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mr. Thomas C. Garrett and his wife, Judith.

#### REMARKS BY SENATOR LEWIS

Senator Lewis: "Mr. President, whereas Mr. Tom Garrett is the most active civic leader in Spokane, and has served six years as a member of the Washington State Parks and Recreation Commission with dedication and zeal, he is deserving of this commendation."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Lewis yield? Senator Lewis, is Mr. Garrett retiring, or is Mr. Garrett still a member of this board?"

Senator Lewis: "It is my understanding that Mr. Garrett will no longer be a member of the board."

Senator Bailey: "Mr. President, I think the resolution is very fitting. I would endorse it but I think it would be a poor practice here today to start endorsing and commending appointees that are pending before the Senate and perhaps a reappointment. That is the reason I asked the question without understanding. I withdraw my objection."

#### MOTION

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

On line 10, after "and" insert "he"

The motion by Senator Lewis carried and the resolution, as amended, was adopted.

#### MOTION

Senator von Reichbauer moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-8

By Senators von Reichbauer, Sellar, Walgren, Washington and Wilson:

WHEREAS, Wilfred R. Woods has served ten distinguished years as a member of the Washington State Parks and Recreation Commission; and

WHEREAS, Mr. Woods has been chosen for two succeeding years to serve as President of the American Forestry Association; and

WHEREAS, Mr. Woods' interest and concern for outdoor recreational problems were exhibited in articles in The Wenatchee World, and by the support of that newspaper of which he is editor and publisher; and

WHEREAS, In 1972 he received the Special Service Award for Soil and Water Conservation from the State of Washington; and

WHEREAS, He has willingly devoted great time and energy to serve on many boards including the Pacific Crest Trail Advisory Council, State Reclamation Association, Inland Empire Waterway Association, and the State Citizens' Committee on Highway Safety;

NOW, THEREFORE, BE IT RESOLVED, That Mr. Wilfred R. Woods be commended as a distinguished citizen for dedicated service on behalf of the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mr. Wilfred R. Woods and his wife, Kathleen.

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "I certainly would like to speak on behalf of Mr. Wilfred Woods who has served ten years on the Parks Board. He has served as the chairman of that board. He has served with a great deal of distinction and it is with regret that he is no longer with that board, and I certainly would ask all of you to join me in giving him this well deserved honor."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Sellar yield to a question? Senator Sellar, why is Mr. Woods leaving the board?"

Senator Sellar: "Mr. Woods has resigned from the board. His term was about to expire, and among other things, including Referendum 36, he decided he would resign at this time because he had no intention of asking to be reappointed."

Senator Rasmussen: "Thank you, Senator Sellar. I just wondered if it was because of the financial reporting that he resigned. He has done an excellent job on the board."

Senator Sellar: "I had a nice talk with Mr. Woods, and he indicated if he had had a desire to continue on that board that he certainly would have complied with the disclosure, but as his term was about to expire, he did not."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, this is one member of the Board of Parks and Recreation who I think has done an outstanding job and I hate to leave the resolution hanging like Wilfred Woods was quitting, because he wanted to avoid making out a report of his private financial holdings. Wilfred Woods is probably the outstanding member, the only one who really listens to people when people have problems. I just hate to see him leave the commission. I think there is going to be a great void and I just wish he were going to stay on, but he chose not to do so."

The motion by Senator von Reichbauer carried and the resolution was adopted.

MOTION

At 12:30 p.m., on motion of Senator Walgren, The Senate adjourned until 11:00 a.m., Tuesday, January 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 18, 1977.

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 Fleming, Francis and Wanamaker. On motion of Senator Odegaard, Senators Fleming and Francis were excused. On motion of Senator Jones, Senator Wanamaker was excused.

The Color Guard, consisting of Pages Janice Bowman and Mike Kuehner, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR FATHER, AS WE STAND IN THIS HALL TODAY, WE ARE REMINDED OF THE UNIQUE BACKGROUND OF FAITH IN AMERICA. NO OTHER NATION HAS ROOTS SO DEEP IN ITS COMMITMENT TO RELIGIOUS FREEDOM. FROM THE PILGRIMS FLEEING PERSECUTION TO REFUGEES FROM HITLER'S HOLOCAUST, WE THANK YOU, LORD, THAT MILLIONS OF PEOPLE HAVE FOUND BOTH RELIGIOUS AND POLITICAL HAVEN IN THIS GREAT LAND. THE MAYFLOWER COMPACT HAD AS ITS OPENING WORDS, 'IN THE NAME OF GOD — AMEN'. ON OUR MONEY IS INSCRIBED THE WORDS, 'IN GOD WE TRUST'. SESSIONS OF CONGRESS, THE SUPREME COURT, AND THE SESSIONS OF OUR OWN STATE GOVERNMENT, ARE OPENED WITH PRAYER. OUR NEW PRESIDENT WILL TAKE HIS OATH OF OFFICE ON A BIBLE THIS VERY WEEK. FATHER IN HEAVEN, THE MEN AND WOMEN WHO BUILT AMERICA HAVE BEEN MOTIVATED AND IN TURN HAVE MOTIVATED OTHERS BY A SPIRITUAL ZEAL THAT CONTINUES TO INFLUENCE THE CHARACTER AND PURPOSE OF OUR LIFE TODAY. SO, DEAR LORD, COME AND RENEW THY SPIRIT WITHIN ALL OF US TODAY. MAKE OF US WHAT WILL BLESS AND HELP OTHERS. THIS WE SEE AS OUR HIGHEST TASK, THROUGH OUR LORD JESUS CHRIST. AMEN."

### MOTION

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

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2161, by Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to community colleges; directing the transfer of all funds in the community college bond retirement fund to the general fund; adding new sections to chapter 28B.50 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2162, by Senators Wojahn, Beck and Herr:

AN ACT Relating to the Washington veterans' home; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.



SENATE BILL NO. 2163, by Senators Guess, Goltz, Donohue, North, Jones, Murray, Newschwander, Wanamaker, Scott, Talley, Odegaard, McDermott, Gaspard and Bluechel:

AN ACT Relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons, and certain others and constituting the Uniform Probate Code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts, and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; amending section 33, chapter 64, Laws of 1895 and RCW 6.12.080; amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090; amending section 11.80.055, chapter 145, Laws of 1965 and RCW 11.80.055; amending section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030; amending section 30.20.010, chapter 33, Laws of 1955 and RCW 30.20.010; amending section 30.20-.015, chapter 33, Laws of 1955 as last amended by section 5, chapter 133, Laws of 1967 and RCW 30.20.015; amending section 30.20.020, chapter 33, Laws of 1955 as last amended by section 39, chapter 117, Laws of 1974 ex. sess. and RCW 30.20.020; amending section 30.24.020, chapter 33, Laws of 1955 and RCW 30.24-.020; amending section 32.12.010, chapter 13, Laws of 1955 as last amended by section 1, chapter 145, Laws of 1967 and RCW 32.12.010; amending section 32.12-.020, chapter 13, Laws of 1955 as last amended by section 40, chapter 117, Laws of 1974 ex. sess. and RCW 32.12.020; amending section 32.12.030, chapter 13, Laws of 1955 as last amended by section 4, chapter 176, Laws of 1963 and RCW 32.12-.030; amending section 46, chapter 235, Laws of 1945 as last amended by section 41, chapter 117, Laws of 1974 ex. sess. and RCW 33.20.080; amending section 2, chapter 139, Laws of 1939 as last amended by section 42, chapter 117, Laws of 1974 ex. sess. and RCW 49.48.120; amending section 10, chapter 173, Laws of 1933 as amended by section 9, chapter 131, Laws of 1943 and RCW 31.12.140; repealing section 11.02.005, chapter 145, Laws of 1965, section 23, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 11.02.005; repealing section 11.02.010, chapter 145, Laws of 1965 and RCW 11.02.010; repealing section 11.02.020, chapter 145, Laws of 1965 and RCW 11.02.020; repealing section 11.02.030, chapter 145, Laws of 1965 and RCW 11.02.030; repealing section 11.02.060, chapter 145, Laws of 1965 and RCW 11.02.060; repealing section 1, chapter 168, Laws of 1967 and RCW 11.02.070; repealing section 1, chapter 117, Laws of 1974 ex. sess. and RCW 11.02.080; repealing section 54, chapter 117, Laws of 1974 ex. sess. and RCW 11.02.090; repealing section 11.04.015, chapter 145, Laws of 1965, section 1, chapter 55, Laws of 1965 ex. sess., section 2, chapter 168, Laws of 1967, section 6, chapter 117, Laws of 1974 ex. sess. and RCW 11.04.015; repealing section 11.04-.035, chapter 145, Laws of 1965, section 3, chapter 168, Laws of 1967 and RCW 11.04.035; repealing section 11.04.041, chapter 145, Laws of 1965 and RCW 11.04-.041; repealing section 11.04.060, chapter 145, Laws of 1965 and RCW 11.04.060; repealing section 11.04.071, chapter 145, Laws of 1965 and RCW 11.04.071; repealing section 11.04.081, chapter 145, Laws of 1965, section 24, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 11.04.081; repealing section 11.04.085, chapter 145, Laws of 1965 and RCW 11.04.085; repealing section 11.04.095, chapter 145, Laws of 1965 and RCW 11.04.095; repealing section 11.04.250, chapter 145, Laws of 1965 and RCW 11.04.250; repealing section 11.04.270, chapter 145, Laws of 1965 and RCW 11.04.270; repealing section 11.04.290, chapter 145, Laws

of 1965 and RCW 11.04.290; repealing section 11.05.010, chapter 145, Laws of 1965 and RCW 11.05.010; repealing section 11.05.020, chapter 145, Laws of 1965 and RCW 11.05.020; repealing section 11.05.030, chapter 145, Laws of 1965 and RCW 11.05.030; repealing section 11.05.040, chapter 145, Laws of 1965 and RCW 11.05.040; repealing section 11.05.050, chapter 145, Laws of 1965 and RCW 11.05.050; repealing section 11.05.900, chapter 145, Laws of 1965 and RCW 11.05.900; repealing section 11.05.910, chapter 145, Laws of 1965 and RCW 11.05.910; repealing section 19, chapter 26, Laws of 1967 ex. sess. and RCW 11.08.005; repealing section 11.08.101, chapter 145, Laws of 1965 and RCW 11.08.101; repealing section 11.08.111, chapter 145, Laws of 1965, section 1, chapter 76, Laws of 1973 1st ex. sess. and RCW 11.08.111; repealing section 11.08.120, chapter 145, Laws of 1965 and RCW 11.08.120; repealing section 11.08.140, chapter 145, Laws of 1965 and RCW 11.08.140; repealing section 11.08.150, chapter 145, Laws of 1965 and RCW 11.08.150; repealing section 11.08.160, chapter 145, Laws of 1965, section 1, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.160; repealing section 11.08.170, chapter 145, Laws of 1965, section 2, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.170; repealing section 11.08.180, chapter 145, Laws of 1965, section 3, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.180; repealing section 1, chapter 25, Laws of 1973 and RCW 11.08.185; repealing section 11.08.200, chapter 145, Laws of 1965, section 4, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.200; repealing section 1, chapter 249, Laws of 1969 ex. sess. and RCW 11.08.205; repealing section 11.08.210, chapter 145, Laws of 1965, section 5, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.210; repealing section 11.08.220, chapter 145, Laws of 1965, section 6, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.220; repealing section 11.08.230, chapter 145, Laws of 1965, section 7, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.230; repealing section 11.08.240, chapter 145, Laws of 1965, section 8, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.240; repealing section 11.08.250, chapter 145, Laws of 1965 and RCW 11.08.250; repealing section 11.08.260, chapter 145, Laws of 1965, section 9, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.260; repealing section 11.08.270, chapter 145, Laws of 1965 and RCW 11.08.270; repealing section 11.08.280, chapter 145, Laws of 1965 and RCW 11.08.280; repealing section 11.12.010, chapter 145, Laws of 1965, section 3, chapter 17, Laws of 1970 ex. sess. and RCW 11.12.010; repealing section 11.12.020, chapter 145, Laws of 1965 and RCW 11.12.020; repealing section 11.12.025, chapter 145, Laws of 1965 and RCW 11.12.025; repealing section 11.12.030, chapter 145, Laws of 1965 and RCW 11.12.030; repealing section 11.12.040, chapter 145, Laws of 1965 and RCW 11.12.040; repealing section 11.12.050, chapter 145, Laws of 1965 and RCW 11.12.050; repealing section 11.12.060, chapter 145, Laws of 1965 and RCW 11.12.060; repealing section 11.12.070, chapter 145, Laws of 1965 and RCW 11.12.070; repealing section 11.12.080, chapter 145, Laws of 1965 and RCW 11.12.080; repealing section 11.12.090, chapter 145, Laws of 1965 and RCW 11.12.090; repealing section 11.12.110, chapter 145, Laws of 1965 and RCW 11.12.110; repealing section 11.12.120, chapter 145, Laws of 1965, section 51, chapter 117, Laws of 1974 ex. sess. and RCW 11.12.120; repealing section 11.12.130, chapter 145, Laws of 1965 and RCW 11.12.130; repealing section 11.12.140, chapter 145, Laws of 1965 and RCW 11.12.140; repealing section 11.12.150, chapter 145, Laws of 1965 and RCW 11.12.150; repealing section 11.12.160, chapter 145, Laws of 1965 and RCW 11.12.160; repealing section 11.12.170, chapter 145, Laws of 1965 and RCW 11.12.170; repealing section 11.12.190, chapter 145, Laws of 1965 and RCW 11.12.190; repealing section 11.12.200, chapter 145, Laws of 1965 and RCW 11.12.200; repealing section 11.12.210, chapter 145, Laws of 1965 and RCW 11.12.210; repealing section 11.12.220, chapter 145, Laws of 1965 and RCW 11.12.220; repealing section 11.12.230, chapter 145, Laws of 1965 and RCW 11.12.230;

repealing section 11.12.250, chapter 145, Laws of 1965 and RCW 11.12.250; repealing section 11.16.050, chapter 145, Laws of 1965, section 4, chapter 168, Laws of 1967 and RCW 11.16.050; repealing section 11.16.060, chapter 145, Laws of 1965 and RCW 11.16.060; repealing section 11.16.070, chapter 145, Laws of 1965 and RCW 11.16.070; repealing section 11.16.082, chapter 145, Laws of 1965 and RCW 11.16.082; repealing section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083; repealing section 11.20.010, chapter 145, Laws of 1965 and RCW 11.20.010; repealing section 11.20.020, chapter 145, Laws of 1965, section 1, chapter 126, Laws of 1969 ex. sess., section 27, chapter 117, Laws of 1974 ex. sess. and RCW 11.20.020; repealing section 11.20.030, chapter 145, Laws of 1965 and RCW 11.20.030; repealing section 11.20.040, chapter 145, Laws of 1965, section 5, chapter 168, Laws of 1967 and RCW 11.20.040; repealing section 11.20.050, chapter 145, Laws of 1965, section 17, chapter 168, Laws of 1967 and RCW 11.20.050; repealing section 11.20.060, chapter 145, Laws of 1965 and RCW 11.20.060; repealing section 11.20.070, chapter 145, Laws of 1965 and RCW 11.20.070; repealing section 11.20.080, chapter 145, Laws of 1965 and RCW 11.20.080; repealing section 11.20.090, chapter 145, Laws of 1965 and RCW 11.20.090; repealing section 11.20.100, chapter 145, Laws of 1965 and RCW 11.20.100; repealing section 11.24.010, chapter 145, Laws of 1965, section 6, chapter 168, Laws of 1967, section 1, chapter 7, Laws of 1971 and RCW 11.24.010; repealing section 11.24.020, chapter 145, Laws of 1965 and RCW 11.24.020; repealing section 11.24.030, chapter 145, Laws of 1965 and RCW 11.24.030; repealing section 11.24.040, chapter 145, Laws of 1965 and RCW 11.24.040; repealing section 11.24.050, chapter 145, Laws of 1965 and RCW 11.24.050; repealing section 11.28.010, chapter 145, Laws of 1965, section 28, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.010; repealing section 11.28.020, chapter 145, Laws of 1965 and RCW 11.28.020; repealing section 11.28.030, chapter 145, Laws of 1965 and RCW 11.28.030; repealing section 11.28.040, chapter 145, Laws of 1965 and RCW 11.28.040; repealing section 11.28.050, chapter 145, Laws of 1965 and RCW 11.28.050; repealing section 11.28.060, chapter 145, Laws of 1965 and RCW 11.28.060; repealing section 11.28.070, chapter 145, Laws of 1965, section 25, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.070; repealing section 11.28.090, chapter 145, Laws of 1965 and RCW 11.28.090; repealing section 11.28.100, chapter 145, Laws of 1965 and RCW 11.28.100; repealing section 11.28.110, chapter 145, Laws of 1965, section 29, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.110; repealing section 11.28.120, chapter 145, Laws of 1965 and RCW 11.28.120; repealing section 44, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.131; repealing section 11.28.140, chapter 145, Laws of 1965 and RCW 11.28.140; repealing section 11.28.150, chapter 145, Laws of 1965 and RCW 11.28.150; repealing section 11.28.160, chapter 145, Laws of 1965 and RCW 11.28.160; repealing section 11.28.170, chapter 145, Laws of 1965 and RCW 11.28.170; repealing section 46, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.185; repealing section 11.28.190, chapter 145, Laws of 1965 and RCW 11.28.190; repealing section 11.28.210, chapter 145, Laws of 1965 and RCW 11.28.210; repealing section 11.28.220, chapter 145, Laws of 1965 and RCW 11.28.220; repealing section 11.28.230, chapter 145, Laws of 1965 and RCW 11.28.230; repealing section 11.28.235, chapter 145, Laws of 1965 and RCW 11.28.235; repealing section 11.28.237, chapter 145, Laws of 1965, section 2, chapter 70, Laws of 1969, section 30, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.237; repealing section 11.28.240, chapter 145, Laws of 1965 and RCW 11.28.240; repealing section 11.28.250, chapter 145, Laws of 1965 and RCW 11.28.250; repealing section 11.28.260, chapter 145, Laws of 1965 and RCW 11.28.260; repealing section 11.28.270, chapter 145, Laws of 1965 and RCW 11.28.270; repealing section 11.28.280, chapter 145, Laws of 1965, section 26, chapter 117,

Laws of 1974 ex. sess. and RCW 11.28.280; repealing section 11.28.290, chapter 145, Laws of 1965 and RCW 11.28.290; repealing section 11.28.300, chapter 145, Laws of 1965 and RCW 11.28.300; repealing section 31, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.330; repealing section 32, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.340; repealing section 11.32.010, chapter 145, Laws of 1965 and RCW 11.32.010; repealing section 11.32.020, chapter 145, Laws of 1965 and RCW 11.32.020; repealing section 11.32.030, chapter 145, Laws of 1965 and RCW 11.32.030; repealing section 11.32.040, chapter 145, Laws of 1965 and RCW 11.32.040; repealing section 11.32.050, chapter 145, Laws of 1965 and RCW 11.32.050; repealing section 11.32.060, chapter 145, Laws of 1965 and RCW 11.32.060; repealing section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; repealing section 11.40.010, chapter 145, Laws of 1965, section 7, chapter 168, Laws of 1967, section 33, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.010; repealing section 3, chapter 106, Laws of 1967 ex. sess. and RCW 11.40.011; repealing section 11.40.020, chapter 145, Laws of 1965, section 34, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.020; repealing section 11.40.030, chapter 145, Laws of 1965, section 35, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.030; repealing section 11.40.040, chapter 145, Laws of 1965, section 36, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.040; repealing section 11.40.060, chapter 145, Laws of 1965, section 37, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.060; repealing section 11.40.070, chapter 145, Laws of 1965 and RCW 11.40.070; repealing section 11.40.080, chapter 145, Laws of 1965 and RCW 11.40.080; repealing section 11.40.090, chapter 145, Laws of 1965 and RCW 11.40.090; repealing section 11.40.100, chapter 145, Laws of 1965, section 47, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.100; repealing section 11.40.110, chapter 145, Laws of 1965, section 38, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.110; repealing section 11.40.120, chapter 145, Laws of 1965 and RCW 11.40.120; repealing section 11.40.130, chapter 145, Laws of 1965 and RCW 11.40.130; repealing section 11.40.140, chapter 145, Laws of 1965 and RCW 11.40.140; repealing section 11.40.150, chapter 145, Laws of 1965 and RCW 11.40.150; repealing section 11.44.015, chapter 145, Laws of 1965, section 9, chapter 168, Laws of 1967 and RCW 11.44.015; repealing section 11.44.025, chapter 145, Laws of 1965, section 48, chapter 117, Laws of 1974 ex. sess. and RCW 11.44.025; repealing section 11.44.035, chapter 145, Laws of 1965 and RCW 11.44.035; repealing section 11.44.050, chapter 145, Laws of 1965 and RCW 11.44.050; repealing section 11.44.061, chapter 145, Laws of 1965 and RCW 11.44.061; repealing section 49, chapter 117, Laws of 1974 ex. sess. and RCW 11.44.066; repealing section 11.44.070, chapter 145, Laws of 1965, section 10, chapter 168, Laws of 1967, section 50, chapter 117, Laws of 1974 ex. sess. and RCW 11.44.070; repealing section 11.44.085, chapter 145, Laws of 1965 and RCW 11.44.085; repealing section 11.44.090, chapter 145, Laws of 1965 and RCW 11.44.090; repealing section 11.48.010, chapter 145, Laws of 1965 and RCW 11.48.010; repealing section 11.48.020, chapter 145, Laws of 1965 and RCW 11.48.020; repealing section 11.48.025, chapter 145, Laws of 1965 and RCW 11.48.025; repealing section 11.48.030, chapter 145, Laws of 1965 and RCW 11.48.030; repealing section 11.48.040, chapter 145, Laws of 1965 and RCW 11.48.040; repealing section 11.48.050, chapter 145, Laws of 1965 and RCW 11.48.050; repealing section 11.48.060, chapter 145, Laws of 1965 and RCW 11.48.060; repealing section 11.48.070, chapter 145, Laws of 1965 and RCW 11.48.070; repealing section 11.48.080, chapter 145, Laws of 1965 and RCW 11.48.080; repealing section 11.48.090, chapter 145, Laws of 1965 and RCW 11.48.090; repealing section 11.48.120, chapter 145, Laws of 1965 and RCW 11.48.120; repealing section 11.48.130, chapter 145, Laws of 1965 and RCW 11.48.130; repealing section 11.48.140, chapter 145, Laws of 1965 and RCW 11.48.140;

repealing section 11.48.150, chapter 145, Laws of 1965 and RCW 11.48.150;  
repealing section 11.48.160, chapter 145, Laws of 1965 and RCW 11.48.160;  
repealing section 11.48.180, chapter 145, Laws of 1965 and RCW 11.48.180;  
repealing section 11.48.190, chapter 145, Laws of 1965 and RCW 11.48.190;  
repealing section 11.48.200, chapter 145, Laws of 1965 and RCW 11.48.200;  
repealing section 11.48.210, chapter 145, Laws of 1965 and RCW 11.48.210;  
repealing section 11.52.010, chapter 145, Laws of 1965, section 12, chapter 168,  
Laws of 1967, section 2, chapter 12, Laws of 1971 ex. sess., section 7, chapter 117,  
Laws of 1974 ex. sess. and RCW 11.52.010; repealing section 11.52.012, chapter  
145, Laws of 1965, section 8, chapter 117, Laws of 1974 ex. sess. and RCW 11.52-  
.012; repealing section 11.52.014, chapter 145, Laws of 1965 and RCW 11.52.014;  
repealing section 11.52.016, chapter 145, Laws of 1965, section 1, chapter 80, Laws  
of 1972 ex. sess. and RCW 11.52.016; repealing section 11.52.020, chapter 145,  
Laws of 1965, section 13, chapter 168, Laws of 1967, section 3, chapter 12, Laws of  
1971 ex. sess., section 9, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.020;  
repealing section 11.52.022, chapter 145, Laws of 1965, section 4, chapter 12, Laws  
of 1971 ex. sess., section 10, chapter 117, Laws of 1974 ex. sess. and RCW 11.52-  
.022; repealing section 11.52.024, chapter 145, Laws of 1965, section 2, chapter 80,  
Laws of 1972 ex. sess. and RCW 11.52.024; repealing section 11.52.030, chapter  
145, Laws of 1965 and RCW 11.52.030; repealing section 11.52.040, chapter 145,  
Laws of 1965 and RCW 11.52.040; repealing section 1, chapter 126, Laws of 1965,  
section 11.52.050, chapter 145, Laws of 1965, section 14, chapter 168, Laws of 1967  
and RCW 11.52.050; repealing section 11.56.005, chapter 145, Laws of 1965 and  
RCW 11.56.005; repealing section 11.56.010, chapter 145, Laws of 1965 and RCW  
11.56.010; repealing section 11.56.015, chapter 145, Laws of 1965 and RCW 11.56-  
.015; repealing section 11.56.020, chapter 145, Laws of 1965 and RCW 11.56.020;  
repealing section 11.56.030, chapter 145, Laws of 1965 and RCW 11.56.030;  
repealing section 11.56.040, chapter 145, Laws of 1965 and RCW 11.56.040;  
repealing section 11.56.045, chapter 145, Laws of 1965 and RCW 11.56.045;  
repealing section 11.56.050, chapter 145, Laws of 1965 and RCW 11.56.050;  
repealing section 11.56.060, chapter 145, Laws of 1965 and RCW 11.56.060;  
repealing section 11.56.070, chapter 145, Laws of 1965 and RCW 11.56.070;  
repealing section 11.56.080, chapter 145, Laws of 1965 and RCW 11.56.080;  
repealing section 11.56.090, chapter 145, Laws of 1965 and RCW 11.56.090;  
repealing section 11.56.100, chapter 145, Laws of 1965 and RCW 11.56.100;  
repealing section 11.56.110, chapter 145, Laws of 1965, section 18, chapter 168,  
Laws of 1967, section 2, chapter 106, Laws of 1967 ex. sess. and RCW 11.56.110;  
repealing section 11.56.115, chapter 145, Laws of 1965 and RCW 11.56.115;  
repealing section 11.56.120, chapter 145, Laws of 1965 and RCW 11.56.120;  
repealing section 11.56.140, chapter 145, Laws of 1965 and RCW 11.56.140;  
repealing section 11.56.150, chapter 145, Laws of 1965 and RCW 11.56.150;  
repealing section 11.56.160, chapter 145, Laws of 1965 and RCW 11.56.160;  
repealing section 11.56.170, chapter 145, Laws of 1965 and RCW 11.56.170;  
repealing section 11.56.180, chapter 145, Laws of 1965 and RCW 11.56.180;  
repealing section 11.56.210, chapter 145, Laws of 1965 and RCW 11.56.210;  
repealing section 11.56.220, chapter 145, Laws of 1965 and RCW 11.56.220;  
repealing section 11.56.230, chapter 145, Laws of 1965 and RCW 11.56.230;  
repealing section 11.56.240, chapter 145, Laws of 1965 and RCW 11.56.240;  
repealing section 11.56.250, chapter 145, Laws of 1965 and RCW 11.56.250;  
repealing section 11.56.265, chapter 145, Laws of 1965 and RCW 11.56.265;  
repealing section 11.56.280, chapter 145, Laws of 1965 and RCW 11.56.280;  
repealing section 11.60.010, chapter 145, Laws of 1965 and RCW 11.60.010;  
repealing section 11.60.020, chapter 145, Laws of 1965 and RCW 11.60.020;  
repealing section 11.60.030, chapter 145, Laws of 1965 and RCW 11.60.030;

repealing section 11.60.040, chapter 145, Laws of 1965 and RCW 11.60.040;  
 repealing section 11.60.060, chapter 145, Laws of 1965 and RCW 11.60.060;  
 repealing section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010;  
 repealing section 5, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.020;  
 repealing section 11.64.002, chapter 145, Laws of 1965 and RCW 11.64.002;  
 repealing section 11.64.008, chapter 145, Laws of 1965 and RCW 11.64.008;  
 repealing section 11.64.016, chapter 145, Laws of 1965 and RCW 11.64.016;  
 repealing section 11.64.022, chapter 145, Laws of 1965 and RCW 11.64.022;  
 repealing section 11.64.030, chapter 145, Laws of 1965 and RCW 11.64.030;  
 repealing section 11.64.040, chapter 145, Laws of 1965 and RCW 11.64.040;  
 repealing section 11.68.010, chapter 145, Laws of 1965, section 1, chapter 19, Laws  
 of 1969, section 13, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.010;  
 repealing section 11.68.020, chapter 145, Laws of 1965, section 14, chapter 117,  
 Laws of 1974 ex. sess. and RCW 11.68.020; repealing section 11.68.030, chapter  
 145, Laws of 1965, section 15, chapter 117, Laws of 1974 ex. sess. and RCW  
 11.68.030; repealing section 11.68.040, chapter 145, Laws of 1965, section 16,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.040; repealing section 17,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.050; repealing section 18,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.060; repealing section 19,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.070; repealing section 20,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.080; repealing section 21,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.090; repealing section 22,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.100; repealing section 23,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.110; repealing section 24,  
 chapter 117, Laws of 1974 ex. sess. and RCW 11.68.120; repealing section 11.72-  
 .002, chapter 145, Laws of 1965 and RCW 11.72.002; repealing section 11.72.006,  
 chapter 145, Laws of 1965 and RCW 11.72.006; repealing section 11.76.010, chap-  
 ter 145, Laws of 1965 and RCW 11.76.010; repealing section 11.76.020, chapter  
 145, Laws of 1965 and RCW 11.76.020; repealing section 11.76.030, chapter 145,  
 Laws of 1965 and RCW 11.76.030; repealing section 11.76.040, chapter 145, Laws  
 of 1965, section 3, chapter 70, Laws of 1969 and RCW 11.76.040; repealing section  
 11.76.050, chapter 145, Laws of 1965 and RCW 11.76.050; repealing section 11.76-  
 .060, chapter 145, Laws of 1965 and RCW 11.76.060; repealing section 11.76.070,  
 chapter 145, Laws of 1965 and RCW 11.76.070; repealing section 11.76.080, chap-  
 ter 145, Laws of 1965, section 4, chapter 70, Laws of 1969, section 1, chapter 28,  
 Laws of 1971, section 45, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.080;  
 repealing section 11.76.090, chapter 145, Laws of 1965, section 2, chapter 28, Laws  
 of 1971, section 11, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.090;  
 repealing section 11.76.095, chapter 145, Laws of 1965, section 3, chapter 28, Laws  
 of 1971, section 12, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.095;  
 repealing section 11.76.100, chapter 145, Laws of 1965 and RCW 11.76.100;  
 repealing section 11.76.110, chapter 145, Laws of 1965 and RCW 11.76.110;  
 repealing section 11.76.120, chapter 145, Laws of 1965 and RCW 11.76.120;  
 repealing section 11.76.130, chapter 145, Laws of 1965 and RCW 11.76.130;  
 repealing section 11.76.140, chapter 145, Laws of 1965 and RCW 11.76.140;  
 repealing section 11.76.150, chapter 145, Laws of 1965 and RCW 11.76.150;  
 repealing section 11.76.160, chapter 145, Laws of 1965 and RCW 11.76.160;  
 repealing section 11.76.170, chapter 145, Laws of 1965 and RCW 11.76.170;  
 repealing section 11.76.180, chapter 145, Laws of 1965 and RCW 11.76.180;  
 repealing section 11.76.190, chapter 145, Laws of 1965 and RCW 11.76.190;  
 repealing section 11.76.200, chapter 145, Laws of 1965 and RCW 11.76.200;  
 repealing section 11.76.210, chapter 145, Laws of 1965 and RCW 11.76.210;  
 repealing section 11.76.220, chapter 145, Laws of 1965, section 10, chapter 278,  
 Laws of 1975 1st ex. sess. and RCW 11.76.220; repealing section 11.76.230, chapter

145, Laws of 1965 and RCW 11.76.230; repealing section 11.76.240, chapter 145, Laws of 1965, section 11, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.76.240; repealing section 11.76.243, chapter 145, Laws of 1965 and RCW 11.76.243; repealing section 11.76.245, chapter 145, Laws of 1965, section 12, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.76.245; repealing section 11.76.247, chapter 145, Laws of 1965 and RCW 11.76.247; repealing section 11.76.250, chapter 145, Laws of 1965 and RCW 11.76.250; repealing section 11.84.010, chapter 145, Laws of 1965 and RCW 11.84.010; repealing section 11.84.020, chapter 145, Laws of 1965 and RCW 11.84.020; repealing section 11.84.030, chapter 145, Laws of 1965 and RCW 11.84.030; repealing section 11.84.040, chapter 145, Laws of 1965 and RCW 11.84.040; repealing section 11.84.050, chapter 145, Laws of 1965 and RCW 11.84.050; repealing section 11.84.060, chapter 145, Laws of 1965 and RCW 11.84.060; repealing section 11.84.070, chapter 145, Laws of 1965 and RCW 11.84.070; repealing section 11.84.080, chapter 145, Laws of 1965 and RCW 11.84.080; repealing section 11.84.090, chapter 145, Laws of 1965 and RCW 11.84.090; repealing section 11.84.100, chapter 145, Laws of 1965 and RCW 11.84.100; repealing section 11.84.110, chapter 145, Laws of 1965 and RCW 11.84.110; repealing section 11.84.120, chapter 145, Laws of 1965 and RCW 11.84.120; repealing section 11.84.130, chapter 145, Laws of 1965 and RCW 11.84.130; repealing section 11.84.900, chapter 145, Laws of 1965 and RCW 11.84.900; repealing section 2, chapter 148, Laws of 1973 and RCW 11.86.010; repealing section 3, chapter 148, Laws of 1973 and RCW 11.86.020; repealing section 4, chapter 148, Laws of 1973 and RCW 11.86.030; repealing section 5, chapter 148, Laws of 1973 and RCW 11.86.040; repealing section 6, chapter 148, Laws of 1973 and RCW 11.86.050; repealing section 7, chapter 148, Laws of 1973 and RCW 11.86.060; repealing section 8, chapter 148, Laws of 1973 and RCW 11.86.070; repealing section 9, chapter 148, Laws of 1973 and RCW 11.86.080; repealing section 10, chapter 148, Laws of 1973 and RCW 11.86.090; repealing section 1, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.005; repealing section 11.88.010, chapter 145, Laws of 1965, section 2, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.010; repealing section 11.88.020, chapter 145, Laws of 1965, section 4, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.030; repealing section 8, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.035; repealing section 11.88.040, chapter 145, Laws of 1965, section 1, chapter 70, Laws of 1969, section 5, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.040; repealing section 7, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.045; repealing section 11.88.080, chapter 145, Laws of 1965 and RCW 11.88.080; repealing section 11.88.090, chapter 145, Laws of 1965, section 9, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.090; repealing section 11.88.100, chapter 145, Laws of 1965, section 10, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.100; repealing section 11.88.105, chapter 145, Laws of 1965, section 11, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.105; repealing section 11.88.107, chapter 145, Laws of 1965, section 12, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.107; repealing section 11.88.110, chapter 145, Laws of 1965, section 13, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.110; repealing section 11.88.120, chapter 145, Laws of 1965, section 14, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.120; repealing section 6, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.125; repealing section 11.88.130, chapter 145, Laws of 1965, section 15, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.130; repealing section 11.88.140, chapter 145, Laws of 1965, section 16, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.140; repealing section 11.88.150, chapter 145, Laws of 1965, section 17, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.150; repealing section 11.92.010, chapter 145, Laws of

1965, section 5, chapter 28, Laws of 1971, section 18, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.010; repealing section 11.92.035, chapter 145, Laws of 1965, section 19, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.035; repealing section 11.92.040, chapter 145, Laws of 1965, section 20, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.040; repealing section 11.92.050, chapter 145, Laws of 1965, section 21, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.050; repealing section 11.92.053, chapter 145, Laws of 1965 and RCW 11.92.053; repealing section 11.92.056, chapter 145, Laws of 1965, section 22, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.056; repealing section 11.92.060, chapter 145, Laws of 1965, section 23, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.060; repealing section 11.92.090, chapter 145, Laws of 1965, section 24, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.090; repealing section 11.92.100, chapter 145, Laws of 1965, section 25, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.100; repealing section 11.92.110, chapter 145, Laws of 1965, section 26, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.110; repealing section 11.92.115, chapter 145, Laws of 1965, section 27, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.115; repealing section 11.92.120, chapter 145, Laws of 1965, section 28, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.120; repealing section 11.92.125, chapter 145, Laws of 1965 and RCW 11.92.125; repealing section 11.92.130, chapter 145, Laws of 1965, section 29, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.130; repealing section 11.92.150, chapter 145, Laws of 1965, section 1, chapter 18, Laws of 1969, section 30, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.150; repealing section 11.92.160, chapter 145, Laws of 1965, section 31, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.160; repealing section 11.92.170, chapter 145, Laws of 1965, section 32, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.170; repealing section 11.92.180, chapter 145, Laws of 1965, section 33, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.180; repealing section 11.92.185, chapter 145, Laws of 1965, section 34, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.185; repealing section 52, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.010; repealing section 53, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.020; repealing section 11.96.010, chapter 145, Laws of 1965, section 53, chapter 81, Laws of 1971 and RCW 11.96.010; repealing section 11.98.010, chapter 145, Laws of 1965 and RCW 11.98.010; repealing section 11.98.020, chapter 145, Laws of 1965 and RCW 11.98.020; repealing section 11.98.030, chapter 145, Laws of 1965 and RCW 11.98.030; repealing section 11.98.040, chapter 145, Laws of 1965 and RCW 11.98.040; repealing section 11.98.050, chapter 145, Laws of 1965, section 1, chapter 229, Laws of 1971 ex. sess. and RCW 11.98.050; repealing section 30.30.010, chapter 33, Laws of 1955 and RCW 30.30.010; repealing section 30.30.020, chapter 33, Laws of 1955 and RCW 30.30.020; repealing section 30.30.030, chapter 33, Laws of 1955 and RCW 30.30.030; repealing section 30.30.040, chapter 33, Laws of 1955 and RCW 30.30.040; repealing section 30.30.050, chapter 33, Laws of 1955 and RCW 30.30.050; repealing section 30.30.060, chapter 33, Laws of 1955 and RCW 30.30.060; repealing section 30.30.070, chapter 33, Laws of 1955 and RCW 30.30.070; repealing section 30.30.080, chapter 33, Laws of 1955 and RCW 30.30.080; repealing section 30.30.090, chapter 33, Laws of 1955, section 80, chapter 81, Laws of 1971 and RCW 30.30.090; repealing section 30.30.100, chapter 33, Laws of 1955 and RCW 30.30.100; repealing section 30.30.110, chapter 33, Laws of 1955 and RCW 30.30.110; repealing section 30.30.120, chapter 33, Laws of 1955 and RCW 30.30.120; repealing section 1, chapter 124, Laws of 1959 and RCW 30.99.010; repealing section 2, chapter 124, Laws of 1959 and RCW 30.99.020; repealing section 3, chapter 124, Laws of 1959 and RCW 30.99.030; repealing section 4, chapter 124, Laws of 1959 and RCW 30.99.040; repealing section 5, chapter 124, Laws of 1959 and RCW 30.99.050; repealing section 6, chapter 124, Laws of 1959 and



RCW 30.99.060; repealing section 7, chapter 124, Laws of 1959 and RCW 30.99-.070; repealing section 8, chapter 124, Laws of 1959 and RCW 30.99.080; repealing section 9, chapter 124, Laws of 1959 and RCW 30.99.090; repealing section 10, chapter 124, Laws of 1959 and RCW 30.99.100; repealing section 11, chapter 124, Laws of 1959 and RCW 30.99.900; repealing section 12, chapter 124, Laws of 1959 and RCW 30.99.910; creating a new title in the RCW; and prescribing an effective date.

Referred to Judiciary Committee.

There being no objection, additional sponsors were permitted on Senate Bill 2163.

**SIGNED BY THE PRESIDENT**

The President signed:

**SENATE CONCURRENT RESOLUTION NO. 103.**

**MOTION**

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

**MESSAGE FROM THE SECRETARY OF STATE**

January 14, 1977.

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

**DEAR SIR:**

We herewith respectfully transmit for your consideration, pursuant to Article II, Section 1, of the state constitution and RCW 29.79.200, the certification of the sufficiency of Initiative to the Legislature 59 together with a copy of the full, true and complete text of the Initiative as filed in this office on August 16, 1976.

Sincerely,  
**BRUCE K. CHAPMAN**  
Secretary of State.  
**DUANE C. WOODS**  
Assistant Secretary of State.

**CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 59**

Pursuant to Article II, Section 1A of the Washington State Constitution, RCW 29.79.200, and WAC 90-12-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 59 to be examined in the following manner:

(1) It was determined that 191,234 signatures were submitted by the sponsors thereof. A random sample of 7,602 signatures was taken from those submitted;

(2) Each sampled signature was examined to determine the following: a) if the signer was a registered voter of the state at the address indicated on the petition; b) if the signature was proper as to form; and c) if the same signature appeared more than once in the sample. We found 7,128 valid signatures, 462 signatures invalid due to not being registered or being improper in form, and 6 pairs of duplicated signatures in the sample;

(3) We calculated an allowance for the chance of error of sampling (33) by multiplying the square root of the number of invalid signatures by 1.5;

(4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (12,453) by dividing the sum of the number of invalid

signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

(5) We determined the maximum allowable number of pairs of signatures on the petition (42,698) by subtracting the sum of 110% of the number of signatures required by Article II, Section 1A of the Washington State Constitution (136,083) and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) We determined the expected number of pairs of signatures in the sample (67) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

(7) We determined the acceptable number of pairs of signatures in the sample (47) by subtracting 2.33 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

(8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 59 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 14th day of January, A.D., 1977.

BRUCE K. CHAPMAN

Secretary of State.

DUANE C. WOODS

Assistant Secretary of State.

(Seal of the State of Washington)

Referred to Committee on Ecology.

#### MOTION

At 11:15 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 19, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 19, 1977.

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 Day, Donohue, Guess and Matson. On motion of Senator Odegaard, Senators Day and Donohue were excused. On motion of Senator Jones, Senators Guess and Matson were excused.

The Color Guard, consisting of Pages Peggy Holmes and Tom Pearce, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"WE DO NOT COME TO YOU TODAY, HEAVENLY FATHER, WITH WORDS OF ELOQUENCE, OR WITH GREAT RHETORIC. WE SIMPLY COME TO YOU WITH HUMBLE HEARTS, THANKFUL FOR THE PRIVILEGE OF LIVING ANOTHER DAY. WE HAVE COME TO ASK YOUR BLESSING UPON THESE WONDERFUL PEOPLE. THEY HAVE A GREAT JOB TO DO. THEY HAVE GREAT DECISIONS TO MAKE IN THESE COMING WEEKS. GRANT TO EACH OF THEM PHYSICAL, MORAL AND SPIRITUAL STRENGTH. SOMETIMES WE FEEL INADEQUATE FOR A TASK. IN OUR HEARTS WE KNOW WHAT WE CAN BE, AND OFTEN WHAT WE CAN DO, BUT WE DON'T SEEM TO BE ABLE TO LIVE UP TO IT. THAT'S WHY WE HAVE PAUSED FOR PRAYER TODAY, LORD. TOUCH THESE LIVES BY THE MYSTERY OF YOUR DIVINE GRACE. HELP THEM TO RISE TO THE TOP OF THE MOUNTAIN. FOR A DAY OF INNER PEACE, OF OUTWARD PRODUCTIVITY, FOR YOUR WISDOM AND GUIDANCE IN ALL THINGS, WE THANK YOU NOW. IN THE NAME OF HIM WHO LOVED US AND GAVE HIS LIFE FOR US WE PRAY, EVEN JESUS OUR LORD. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 18, 1977.

SENATE BILL NO. 2005, authorizing up to fifty dollars per day for payment of members of county equalization boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2071, granting civil immunity to podiatrists charging others with incompetency (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, North, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2080, exempting local government public safety voluntary services from the state minimum wage laws (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2095, revising state treasurer's procedures for issuing receipts (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2096, establishing a deposit interest account in the state general fund and eliminating certain deposit interest payments occasioned by inter-fund loans (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2098, making the judges' retirement fund a part of the state treasury (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

Passed to Committee on Rules for second reading.

January 18, 1977.

SENATE BILL NO. 2099, authorizing state officials to designate their representatives to the public employees' retirement board (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

Passed to Committee on Rules for second reading.

## MOTION

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2164, by Senators Donohue, Sandison and Gaspard (by Department of Natural Resources request):

AN ACT Relating to publicly owned land; amending section 5, chapter 203, Laws of 1949 and RCW 79.12.610; repealing section 1, chapter 165, Laws of 1937,

section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and repealing section 2, chapter 165, Laws of 1937 and RCW 79.40.060.

Referred to Committee on Agriculture.

SENATE BILL NO. 2165, By Senators Woody, Donohue, Scott, Odegaard and Clarke (by Legislative Budget Committee request):

AN ACT Relating to public printing; amending section 43.78.030, chapter 8, Laws of 1965 as amended by section 114, chapter 81, Laws of 1971 and RCW 43.78.030; amending section 43.78.040, chapter 8, Laws of 1965 and RCW 43.78-.040; amending section 43.78.070, chapter 8, Laws of 1965 and RCW 43.78.070; amending section 43.78.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 1, Laws of 1972 ex. sess. and RCW 43.78.080; amending section 43.78.110, chapter 8, Laws of 1965 as amended by section 1, chapter 79, Laws of 1969 and RCW 43.78.110; adding new sections to chapter 43.78 RCW; repealing section 43.78.020, chapter 8, Laws of 1965 and RCW 43.78.020; repealing section 43.78-.050, chapter 8, Laws of 1965 and RCW 43.78.050; repealing section 43.78.090, chapter 8, Laws of 1965 and RCW 43.78.090; repealing section 43.78.100, chapter 8, Laws of 1965 and RCW 43.78.100; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2166, by Senators Odegaard, Donohue, Clarke and Woody (by Legislative Budget Committee request):

AN ACT Relating to state government; adding new sections to chapter 43.19 RCW; repealing section 43.77.010, chapter 8, Laws of 1965 and RCW 43.77.010; repealing section 43.77.020, chapter 8, Laws of 1965, section 1, chapter 12, Laws of 1973 and RCW 43.77.020; repealing section 43.77.030, chapter 8, Laws of 1965, section 2, chapter 12, Laws of 1973 and RCW 43.77.030; repealing section 43.77-.040, chapter 8, Laws of 1965 and RCW 43.77.040; and repealing section 43.77.050, chapter 8, Laws of 1965 and RCW 43.77.050.

Referred to Committee on State Government.

SENATE BILL NO. 2167, by Senators Day, Buffington and Rasmussen:

AN ACT Relating to public disclosure; amending section 35, chapter 1, Laws of 1973 as last amended by section 8, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.350; and amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2168, by Senators Odegaard, Donohue and Clarke (by Legislative Budget Committee request):

AN ACT Relating to state government; creating new sections; prescribing penalties; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2169, by Senators Talley and Peterson:

AN ACT Relating to public lands; and amending section 1, chapter 47, Laws of 1965 as amended by section 1, chapter 54, Laws of 1970 ex. sess. and RCW 79.01.178.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2170, by Senators Bottiger, Goltz, Sellar, Bausch, Guess, North, von Reichbauer and Bluechel:

AN ACT Relating to shoreline development; and amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.140.

Referred to Committee on Ecology.

**SENATE BILL NO. 2171**, by Senators Beck, Wanamaker and Bluechel:

AN ACT Relating to motor vehicles; and amending section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 31, chapter 62, Laws of 1975 and RCW 46.61.350.

Referred to Committee on Transportation.

**SENATE BILL NO. 2172**, by Senators Talley, Day and Buffington:

AN ACT Relating to acupuncture; and adding a new section to chapter 18.57A RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2173**, by Senator Rasmussen:

AN ACT Relating to sewage, water, and drainage systems; amending section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230; and amending section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240.

Referred to Committee on Local Government.

**SENATE BILL NO. 2174**, by Senators Van Hollebeke, Talley and North:

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

Referred to Committee on Local Government.

**SENATE BILL NO. 2175**, by Senator Rasmussen:

AN ACT Relating to alcoholic beverage containers in class A, B, C, H, and I licensed premises; 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 1937 as last amended by section 15, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.330; amending section 23-O 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-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; amending section 1, chapter 55, Laws of 1967 as amended by section 7, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.490; and declaring an emergency.

Referred to Committee on State Government.

**SENATE BILL NO. 2176**, by Senators Herr, North, von Reichbauer and Bluechel:

AN ACT Relating to the preservation of our environment; adding a new chapter to Title 89 RCW; making an appropriation; and declaring an emergency.

## MOTIONS

On motion of Senator Herr, Senators North, von Reichbauer and Bluechel were permitted as additional sponsors to Senate Bill No. 2176.

On motion of Senator Walgren, Senate Bill No. 2176 was referred to the Committee on Energy and Utilities.

SENATE BILL NO. 2177, by Senator Herr:

AN ACT Relating to mandatory confinement for certain criminals; adding a new section to Title 9 RCW; and amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2178, by Senators Day, von Reichbauer, Van Hollebeke and Gould:

AN ACT Relating to physicians; amending section 14, chapter 192, Laws of 1909 as last amended by section 3, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.020; amending section 2, chapter 305, Laws of 1971 ex. sess. as amended by section 1, chapter 52, Laws of 1973 1st ex. sess. and RCW 18.71.200; amending section 3, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.210; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2179, by Senators Bausch, Rasmussen and Odegaard:

AN ACT Relating to public employment; establishing the attendance incentive program; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2180, by Senators Bottiger and Benitz (by Utilities and Transportation Commission request):

AN ACT Relating to water companies; and amending section 80.04.010, chapter 14, Laws of 1961 as amended by section 1, chapter 59, Laws of 1963 and RCW 80.04.010.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2181, by Senators Sandison and Washington (by Department of Natural Resources request):

AN ACT Relating to surface mining; and amending section 13, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.120.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2182, by Senators Henry and Bluechel (by Utilities and Transportation Commission request):

AN ACT Relating to transportation; amending section 81.24.010, chapter 14, Laws of 1961 as last amended by section 6, chapter 210, Laws of 1969 ex. sess. and RCW 81.24.010; and amending section 19, chapter 150, Laws of 1965 as amended by section 14, chapter 132, Laws of 1969 and RCW 81.70.180.

Referred to Committee on Transportation.

SENATE BILL NO. 2183, by Senators Woody and Van Hollebeke:

AN ACT Relating to fees of county officers; and amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

AN ACT Relating to contractors' bonds; and amending section 4, chapter 77, Laws of 1963 as last amended by section 4, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.040.

Referred to Judiciary Committee.

**SENATE BILL NO. 2185**, by Senators McDermott and Gould:

AN ACT Relating to education; amending section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035; repealing section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020; and prescribing penalties.

Referred to Committee on Education.

**SENATE BILL NO. 2186**, by Senators Guess and Washington:

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; and adding a new section to chapter 84.36 RCW.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2186 was referred to the Committee on Energy and Utilities.

**SENATE BILL NO. 2187**, by Senators Ridder, Woody and Grant:

AN ACT Relating to the regulation of railroads; amending section 81.60.070, chapter 14, Laws of 1961 and RCW 81.60.070; adding new sections to chapter 81.60 RCW; and prescribing penalties.

Referred to Committee on Labor.

**SENATE BILL NO. 2188**, by Senators Woody, Henry, Marsh and von Reichbauer:

AN ACT Relating to the Washington national guard; and adding new sections to chapter 38.40 RCW.

Referred to Committee on Higher Education.

#### MOTION

On motion to Senator Woody, Senator von Reichbauer was permitted as an additional sponsor to Senate Bill No. 2188.

**SENATE BILL NO. 2189**, by Senators Guess, Benitz, Henry, Hayner and Donohue:

AN ACT Relating to motor vehicles; enacting the international registration plan; and creating a new chapter in Title 46 RCW.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Guess, Senators Hayner and Donohue were permitted as additional sponsors to Senate Bill No. 2189.

**SENATE BILL NO. 2190**, by Senators Rasmussen, Henry and Benitz:

AN ACT Relating to state government; amending section 72.01.050, chapter 28, Laws of 1959 and RCW 72.01.050; amending section 72.36.020, chapter 28, Laws of 1959 and RCW 72.36.020; amending section 1, chapter 4, Laws of 1972 ex. sess. as amended by section 1, chapter 63, Laws of 1974 ex. sess. and RCW 73.04-.130; amending section 2, chapter 36, Laws of 1937 and RCW 73.24.030; adding a new section to chapter 115, Laws of 1975-'76 2nd ex. sess. and to chapter 43.60A RCW; repealing section 1, chapter 108, Laws of 1899 and RCW 73.24.040; and repealing sections 1 through 4, pages 481 and 482, Laws of 1890 and RCW 73.28-.010 through 73.28.040.

Referred to Committee on State Government.



SENATE BILL NO. 2191, by Senators McDermott and Wojahn:

AN ACT Relating to school districts; amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as last amended by section 8, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.210; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2192, by Senators Woody, Clarke and Rasmussen:

AN ACT Relating to mutual savings banks; amending section 32.08.140, chapter 13, Laws of 1955 as last amended by section 2, chapter 176, Laws of 1963 and RCW 32.08.140; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090; amending section 32.20.160, chapter 13, Laws of 1955 and RCW 32.20.160; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by section 6, chapter 55, Laws of 1969 and RCW 32.20.250; amending section 16, chapter 55, Laws of 1969 as amended by section 8, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.255; amending section 6, chapter 41, Laws of 1959 as amended by section 9, chapter 145, Laws of 1967 and RCW 32.20.370; amending section 18, chapter 176, Laws of 1963 as last amended by section 9, chapter 55, Laws of 1969 and RCW 32.20.400; amending section 19, chapter 176, Laws of 1963 as amended by section 10, chapter 55, Laws of 1969 and RCW 32.20.410; amending section 11, chapter 145, Laws of 1967 as amended by section 11, chapter 55, Laws of 1969 and RCW 32.20.420; amending section 2, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.460; adding new sections to chapter 13, Laws of 1955 and to chapter 32.08 RCW; and creating a new section.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2193, by Senators Francis, Pullen, Herr and Benitz:

AN ACT Relating to motorcycles; amending section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530; and amending section 10, chapter 232, Laws of 1967 and RCW 46.37-.535.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Francis, Senators Pullen, Herr and Benitz were permitted as additional sponsors to Senate Bill No. 2193.

SENATE BILL NO. 2194, by Senators Woody and Donohue:

AN ACT Relating to inferior courts; 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; adding a new section to chapter 3.74 RCW; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2195, by Senators Woody, Clarke and Bottiger:

AN ACT Relating to notary stamps; and amending section 3, page 473, Laws of 1890 as amended by section 1, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.030.

Referred to Judiciary Committee.

**SENATE BILL NO. 2196**, by Senators Woody, Clarke and Bottiger:

**AN ACT** Relating to superior courts; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020; and adding a new section to chapter 36.18 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 2197**, by Senators Woody and Jones:

**AN ACT** Relating to escrow; amending section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040; amending section 7, chapter 153, Laws of 1965 and RCW 18.44.070; amending section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080; amending section 9, chapter 153, Laws of 1965 and RCW 18.44.090; amending section 13, chapter 153, Laws of 1965 and RCW 18.44.130; amending section 17, chapter 153, Laws of 1965 and RCW 18.44.160; amending section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200; amending section 8, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.210; amending section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220; amending section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240; amending section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250; amending section 13, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.260; amending section 14, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.270; adding new sections to chapter 18.44 RCW; and repealing section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230.

#### MOTION

On motion of Senator Woody, Senate Bill No. 2197 was referred to the Committee on Financial Institutions.

**SENATE BILL NO. 2198**, by Senators Talley and Odegaard:

**AN ACT** Relating to community colleges; providing for certain site acquisitions; authorizing the temporary leasing of such sites; and making appropriations.

Referred to Committee on Higher Education.

There being no objection, additional sponsors were permitted on Senate Bills 2165, 2166, 2170, 2178.

#### MOTIONS

On motion of Senator Peterson, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 2164.

On motion of Senator Peterson, Senate Bill No. 2164 was referred to the Committee on Agriculture.

#### MOTION

At 11:26 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 20, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## ELEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 20, 1977.

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 Fleming, Francis, Hayner and Pullen. On motion of Senator Odegaard, Senators Fleming and Francis were excused. On motion of Senator Jones, Senator Hayner was excused.

The Color Guard, consisting of Pages Carlyn Snyder and Kelly Ohoe, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"FATHER, ON THIS INAUGURATION DAY, WE THANK YOU FOR THIS GREAT COUNTRY, THE UNITED STATES OF AMERICA. WE THANK YOU FOR OUR NEW PRESIDENT, JIMMY CARTER. BLESS HIM WITH WISDOM AND FAVOR, GUIDE US ALL THAT THE DREAMS THAT BROUGHT THIS NATION INTO EXISTENCE SHALL PREVAIL. WE ASK YOUR BLESSING, FATHER, UPON THIS LEGISLATIVE ASSEMBLY. UPON THE PRESIDENT OF THE SENATE, MR. CHERBERG, AND UPON EACH SENATOR. MAY THE BUSINESS OF THIS SESSION FALL INTO PLACE AS THEY WORK TOGETHER FOR THE GOOD OF THE PEOPLE. MAY THESE HALLS RESOUND WITH A SENSE OF UNITY AND PURPOSE. IN YOUR OWN MIRACULOUS WAY, LORD, GRANT ANSWERS WHEN THERE SEEMS TO BE NONE. MAY THE DAY BEFORE US BE A DAY OF FULFILLMENT, OF ACCOMPLISHMENT, A DAY FILLED WITH DIVINE FAVOR. WE PRACTICE NOW THE SPIRITUAL AND MENTAL HYGIENE OF THE APOSTLE PAUL WHO SAID, 'I CAN DO ALL THINGS THROUGH CHRIST WHO IS STRENGTHENING ME.' IN HIS 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 19, 1977.

SENATE BILL NO. 2088, making supplemental appropriations for highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Peterson, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

January 19, 1977.

SENATE BILL NO. 2115, appropriating funds for desegregated purposes to a school district with an enrollment of 50,000 pupils (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2115 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

#### SENATE STANDING COMMITTEE ASSIGNMENTS — 1977

- AGRICULTURE (5)—GASPARD, CHAIRMAN; Benitz, Day, Wanamaker, Wilson.
- COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; WOJAHN, VICE CHAIRMAN; Bausch, Cunningham, Morrison.
- CONSTITUTION AND ELECTIONS (7)—GRANT, CHAIRMAN; Beck, Gaspard, Lewis, Pullen, von Reichbauer, Wojahn.
- ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Goltz, Guess, Murray, North, Ridder.
- EDUCATION (7)—McDERMOTT, CHAIRMAN; Francis, Gaspard, Gould, Hayner, Murray, Washington.
- ENERGY AND UTILITIES (9)—BOTTIGER, CHAIRMAN; BAUSCH, VICE CHAIRMAN; Benitz, Gaspard, Hayner, Henry, Keefe, Lewis, Wilson.
- FINANCIAL INSTITUTIONS AND INSURANCE (7)—WOODY, CHAIRMAN; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.
- HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.
- JUDICIARY (9)—FRANCIS, CHAIRMAN; MARSH, VICE CHAIRMAN; Bottiger, Buffington, Clarke, Hayner, Jones, Van Hollebeke, Woody.
- LABOR (7)—RIDDER, CHAIRMAN; Bailey, Grant, Matson, Morrison, Peterson, Sellar.
- LOCAL GOVERNMENT (7)—WILSON, CHAIRMAN; Bluechel, Fleming, McDermott, North, Sellar, Talley.
- NATURAL RESOURCES (9)—PETERSON, CHAIRMAN; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.
- PARKS AND RECREATION (5)—von REICHBAUER, CHAIRMAN; Bailey, Lewis, Odegaard, Scott.
- RULES (14)—CHERBERG, CHAIRMAN; Bailey, Beck, Clarke, Fleming, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Talley, Walgren.
- SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; GOLTZ, VICE CHAIRMAN; Buffington, Cunningham, Francis, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke, Wojahn.
- STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Bausch, Buffington, Cunningham, Day, Gould, Henry.
- TRANSPORTATION (11)—HENRY, CHAIRMAN; BECK, VICE CHAIRMAN; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.
- WAYS AND MEANS (19)—DONOHUE, CHAIRMAN; ODEGAARD, VICE CHAIRMAN; Bailey, Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Rasmussen, Sandison, Scott, Walgren, Washington, Woody.

#### SENATE INDIVIDUAL COMMITTEE ASSIGNMENTS — 1977

BAILEY, ROBERT C.—Labor, Parks and Recreation, Rules, Ways and Means.

BAUSCH, DEL—Energy and Utilities, Vice Chairman; Commerce, Natural Resources, State Government.

BECK, C. W. "RED"—Transportation, Vice Chairman; Constitution and Elections, Natural Resources, Rules.

BENITZ, MAX E.—Agriculture, Energy and Utilities, Higher Education.

BLUECHEL, ALAN—Financial Institutions and Insurance, Local Government, Transportation.

BOTTIGER, R. TED—Energy and Utilities, Chairman; Judiciary, Transportation.

BUFFINGTON, NANCY—Judiciary, Social and Health Services, State Government.

CLARKE, GEORGE—Financial Institutions and Insurance, Judiciary, Rules, Ways and Means.

CUNNINGHAM, JOHN E. (JACK)—Commerce, Social and Health Services, State Government.

DAY, WILLIAM S.—Social and Health Services, Chairman; Agriculture, State Government.

DONOHUE, HUBERT F.—Ways and Means, Chairman; Ecology, Higher Education.

FLEMING, GEORGE—Local Government, Ways and Means, Rules.

FRANCIS, PETE—Judiciary, Chairman; Education, Social and Health Services.

GASPARD, MARCUS S.—Agriculture, Chairman; Constitution and Elections, Education, Energy and Utilities.

GOLTZ, H. A. "BARNEY"—Social and Health Services, Vice Chairman; Ecology, Higher Education.

GOULD, SUSAN E.—Education, Social and Health Services, State Government.

GRANT, GARY—Constitution and Elections, Chairman; Labor, Ways and Means.

GUESS, SAM C.—Ecology, Higher Education, Rules, Transportation.

HAYNER, JEANNETTE—Constitution and Elections, Energy and Utilities, Judiciary.

HENRY, AL—Transportation, Chairman; Energy and Utilities, State Government.

HERR, GORDON—Financial Institutions and Insurance, Rules, Social and Health Services.

JONES, JOHN D.—Financial Institutions and Insurance, Judiciary, Ways and Means.

KEEFE, JAMES E.—Energy and Utilities, Transportation, Rules.

LEWIS, R. H. (BOB)—Constitution and Elections, Energy and Utilities, Parks and Recreation.

MARDESICH, AUGUST P.—Financial Institutions and Insurance, Rules, Ways and Means.

MARSH, DAN—Judiciary, Vice Chairman; Rules, Ways and Means.

MATSON, JIM—Labor, Rules, Ways and Means.

McDERMOTT, JAMES A.—Education, Chairman; Local Government, Social and Health Services.

MORRISON, SID W.—Commerce, Labor, Ways and Means.

MURRAY, JOHN S.—Ecology, Education, Ways and Means.

NEWSCHWANDER, CHARLES E.—Natural Resources, Rules, Ways and Means.

NORTH, LOIS—Ecology, Local Government, Social and Health Services.

ODEGAARD, GARY M.—Ways and Means, Vice Chairman; Higher Education, Parks and Recreation.

PETERSON, LOWELL—Natural Resources, Chairman; Labor, Transportation.

PULLEN, KENT—Constitution and Elections, Natural Resources, Social and Health Services.

RASMUSSEN, A. L. "SLIM"—State Government, Chairman; Natural Resources, Ways and Means.

RIDDER, RUTHE—Labor, Chairman; Ecology, Social and Health Services.

SANDISON, GORDON—Higher Education, Chairman; Natural Resources, Ways and Means.

SCOTT, GEORGE W.—Higher Education, Parks and Recreation, Ways and Means.

SELLAR, GEORGE L.—Labor, Local Government, Rules, Transportation.

TALLEY, DON L.—Local Government, Natural Resources, Rules, Transportation.

VAN HOLLEBEKE, RAY—Commerce, Chairman; Judiciary, Social and Health Services.

von REICHBAUER, PETER—Parks and Recreation, Chairman; Constitution and Elections, Transportation.

WALGREN, GORDON L.—Financial Institutions and Insurance, Rules, Ways and Means.

WANAMAKER, F. "PAT"—Agriculture, Natural Resources, Transportation.

WASHINGTON, NAT W.—Ecology, Chairman; Education, Ways and Means.

WILSON, BRUCE A.—Local Government, Chairman; Agriculture, Energy and Utilities.

WOJAHN, R. LORRAINE—Commerce, Vice Chairman; Constitution and Elections, Social and Health Services.

WOODY, FRANK J.—Financial Institutions and Insurance, Chairman; Judiciary, Ways and Means.

#### MOTION

On motion of Senator Walgren, the committee assignments were confirmed.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2199, by Senator Lewis:

AN ACT Relating to motor vehicles; and amending section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031.

Referred to Committee on Transportation.

SENATE BILL NO. 2200, by Senators Sandison, Ridder and Odegaard (by Department of Natural Resources request):

AN ACT Relating to public lands; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2201, by Senators McDermott, Murray and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 54, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.080; 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 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 60, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.41.160; creating new sections; repealing section 28A.24.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.090; and repealing section 28A.24.150, chapter 223, Laws of 1969 ex. sess., section 2, chapter 20, Laws of 1970 ex. sess., section 8, chapter 48, Laws of 1971, section 55, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.150.

Referred to Committee on Education.

SENATE BILL NO. 2202, by Senators Donohue and Odegaard (by Department of Natural Resources request):

AN ACT Relating to lands under the jurisdiction and management of the department of natural resources; amending section 6, chapter 154, Laws of 1923 as last amended by section 1, chapter 314, Laws of 1959 and RCW 76.12.110; and amending section 3, chapter 178, Laws of 1961 and RCW 79.64.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2203, by Senators North, Bailey and Bluechel:

AN ACT Relating to state government; authorizing the issuance and sale of state general obligation bonds; providing ways and means to pay said bonds; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2204, by Senators Lewis, Donohue, Keefe and Buffington:

AN ACT Relating to hitchhiking; amending section 38, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 38, Laws of 1972 ex. sess. and RCW 46.61.255; and prescribing penalties.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Lewis, Senators Donohue, Buffington and Keefe were permitted as additional sponsors on Senate Bill No. 2204.

SENATE BILL NO. 2205, by Senators Woody, Clarke and Francis:

AN ACT Relating to superior courts; amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061; declaring an emergency; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2206, by Senators Woody, Jones, Buffington, Francis and Bottiger:

AN ACT Relating to official court reporters; and amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 128, Laws of 1975 1st ex. sess. and RCW 2.32.210.

Referred to Judiciary Committee.

SENATE BILL NO. 2207, by Senators Goltz, Hayner, Wilson, Ridder, North, Guess, Buffington, Wojahn, Pullen and Day:

AN ACT Relating to the department of social and health services; and adding a new section to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Goltz, Senator Day was permitted as an additional sponsor on Senate Bill No. 2207.

SENATE BILL NO. 2208, by Senators Gaspard, Wilson and Benitz:

AN ACT Relating to agriculture; amending section 25, chapter 122, Laws of 1963 as amended by section 3, chapter 76, Laws of 1969 ex. sess. and RCW 15.17-.250; amending section 25, chapter 63, Laws of 1969 and RCW 15.49.250; amending section 34, chapter 63, Laws of 1969 and RCW 15.49.340; amending section 21, chapter 256, Laws of 1961 and RCW 15.65.210; amending section 19, chapter 67, Laws of 1969 and RCW 19.94.190; and amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 3, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.050.

Referred to Committee on Agriculture.

SENATE BILL NO. 2209, by Senators Wanamaker, Francis, Woody, Sellar and Jones:

AN ACT Relating to dangerous weapons; creating a new section; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2210, by Senators Woody and Wilson:

AN ACT Relating to the regulation of funeral services; adding new sections to chapter 48.40 RCW; repealing section 1, chapter 279, Laws of 1953 and RCW 48.40.080; and prescribing penalties.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2211, by Senators Talley, Bausch and Marsh (by Department of Natural Resources request):

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 69, Laws of 1972 ex. sess. (uncodified).

Referred to Committee on Natural Resources.

SENATE BILL NO. 2212, by Senator Talley:

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

Referred to Committee on Transportation.

SENATE BILL NO. 2213, by Senators Bausch, Donohue, Mardesich, Woody and Rasmussen:

AN ACT Relating to state government; amending section 43.10.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 40, Laws of 1975 and RCW 43.10.030; amending section 43.10.040, chapter 8, Laws of 1965 and RCW 43.10-.040; amending section 43.10.050, chapter 8, Laws of 1965 and RCW 43.10.050; amending section 43.10.065, chapter 8, Laws of 1965 and RCW 43.10.065; amending section 43.10.070, chapter 8, Laws of 1965 and RCW 43.10.070; adding a new section to chapter 43.10 RCW; creating a new section; and repealing section 43.10-.067, chapter 8, Laws of 1965 and RCW 43.10.067.

Referred to Committee on State Government.

SENATE BILL NO. 2214, by Senators Wanamaker and Peterson:

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

Referred to Committee on Natural Resources.

SENATE BILL NO. 2215, by Senators Francis, Woody and Clarke:

AN ACT Relating to probate; amending section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083; amending section 11.20.020, chapter 145, Laws of 1965 as last amended by section 27, chapter 117, Laws of 1974 ex. sess. and RCW 11.20.020; amending section 11.20.090, chapter 145, Laws of 1965 and RCW 11.20.090; amending section 11.28.110, chapter 145, Laws of 1965 as amended by



section 29, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.110; amending section 46, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.185; amending section 11.28.237, chapter 145, Laws of 1965 as last amended by section 30, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.237; amending section 32, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.340; amending section 11.40.030, chapter 145, Laws of 1965 as amended by section 35, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.030; amending section 11.52.012, chapter 145, Laws of 1965 as amended by section 8, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.012; amending section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.022; amending section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 12, Laws of 1971 ex. sess. and RCW 6.12.050; amending section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010; amending section 5, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.020; amending section 11.64.002, chapter 145, Laws of 1965 and RCW 11.64.002; amending section 11.64.008, chapter 145, Laws of 1965 and RCW 11.64.008; amending section 11.64.016, chapter 145, Laws of 1965 and RCW 11.64.016; amending section 11.64.022, chapter 145, Laws of 1965 and RCW 11.64.022; amending section 11.64.030, chapter 145, Laws of 1965 and RCW 11.64.030; amending section 11.68.010, chapter 145, Laws of 1965 as last amended by section 13, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.010; amending section 11.68.030, chapter 145, Laws of 1965 as amended by section 15, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.030; amending section 11.68.040, chapter 145, Laws of 1965 as amended by section 16, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.040; amending section 17, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.050; amending section 18, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.060; amending section 19, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.070; amending section 20, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.080; amending section 22, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.100; amending section 23, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.110; amending section 53, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.020; amending section 30.20.020, chapter 33, Laws of 1955 as last amended by section 39, chapter 117, Laws of 1974 ex. sess. and RCW 30.20.020; adding a new section to chapter 11.62 RCW; and repealing section 11.76.140, chapter 145, Laws of 1965 and RCW 11.76.140.

Referred to Judiciary Committee.

SENATE BILL NO. 2216, by Senators Wojahn, Bailey and Clarke:

AN ACT Relating to electrical contractors; and amending section 11, chapter 169, Laws of 1935 and RCW 19.28.200.

Referred to Committee on Commerce.

SENATE BILL NO. 2217, by Senators Day, Sellar and Washington:

AN ACT Relating to public hospital districts; and amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.060.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2218, by Senators Mardesich, Matson and Goltz:

AN ACT Relating to pharmacy assistants; creating new sections; adding new sections to Title 18 RCW as a new chapter thereof; and providing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2219, by Senator Bailey (by Executive Request of Governor Ray):

AN ACT Relating to state government; creating a department of state parks and recreation; amending section 1, chapter ... (HB ...), Laws of 1977 and RCW

43.17.010; amending section 2, chapter ... (HB ...), Laws of 1977 and RCW 43.17-.020; amending section 43.51.010, chapter 8, Laws of 1965 and RCW 43.51.010; amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 116, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.020; amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040; amending section 43.51.050, chapter 8, Laws of 1965 and RCW 43.51.050; amending section 43.51.060, chapter 8, Laws of 1965 as amended by section 1, chapter 99, Laws of 1969 and RCW 43.51.060; amending section 43.51.062, chapter 8, Laws of 1965 and RCW 43.51.062; amending section 1, chapter 151, Laws of 1974 ex. sess. and RCW 43.51.063; amending section 43.51.090, chapter 8, Laws of 1965 as amended by section 2, chapter 99, Laws of 1969 and RCW 43.51.090; amending section 43.51.110, chapter 8, Laws of 1965 and RCW 43.51.110; amending section 43.51.130, chapter 8, Laws of 1965 and RCW 43.51.130; amending section 43.51.140, chapter 8, Laws of 1965 and RCW 43.51.140; amending section 43.51.150, chapter 8, Laws of 1965 and RCW 43.51.150; amending section 43.51.160, chapter 8, Laws of 1965 and RCW 43.51-.160; amending section 43.51.170, chapter 8, Laws of 1965 and RCW 43.51.170; amending section 43.51.180, chapter 8, Laws of 1965 and RCW 43.51.180; amending section 43.51.210, chapter 8, Laws of 1965 as last amended by section 1, chapter 246, Laws of 1971 ex. sess. and RCW 43.51.210; amending section 43.51.220, chapter 8, Laws of 1965 and RCW 43.51.220; amending section 1, chapter 96, Laws of 1967 ex. sess. and RCW 43.51.240; amending section 2, chapter 96, Laws of 1967 ex. sess. and RCW 43.51.250; amending section 1, chapter 210, Laws of 1971 ex. sess. and RCW 43.51.280; amending section 2, chapter 210, Laws of 1971 ex. sess. and RCW 43.51.290; amending section 1, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.310; amending section 3, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.310; amending section 4, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.320; amending section 7, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.330; amending section 8, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.340; amending section 43.51.510, chapter 8, Laws of 1965 and RCW 43.51.510; amending section 43.51.530, chapter 8, Laws of 1965 as last amended by section 1, chapter 7, Laws of 1975 and RCW 43.51.530; amending section 43.51.540, chapter 8, Laws of 1965 as amended by section 2, chapter 7, Laws of 1975 and RCW 43.51.540; amending section 43.51.560, chapter 8, Laws of 1965 and RCW 43.51.560; amending section 43.51.570, chapter 8, Laws of 1965 as last amended by section 3, chapter 7, Laws of 1975 and RCW 43.51.570; amending section 1, chapter 48, Laws of 1965 ex. sess. and RCW 43.51.580; amending section 2, chapter 48, Laws of 1965 ex. sess. and RCW 43.51.590; amending section 2, chapter 120, Laws of 1967 as amended by section 1, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.655; amending section 3, chapter 120, Laws of 1967 as amended by section 2, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.660; amending section 4, chapter 120, Laws of 1967 as amended by section 3, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.665; amending section 5, chapter 120, Laws of 1967 as amended by section 4, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.670; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 8, chapter 120, Laws of 1967 as amended by section 6, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.685; amending section 1, chapter 19, Laws of 1967 ex. sess. and RCW 43.51-.750; amending section 2, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.760; amending section 3, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.770; amending section 5, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.790; amending section 6, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.800; amending section 8, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.820;

amending section 2, chapter 162, Laws 1969 ex. sess. and RCW 43.51.910; amending section 3, chapter 162, Laws of 1969 ex. sess. and RCW 43.51.920; adding new sections to chapter 43.51 RCW; repealing section 43.51.070, chapter 8, Laws of 1965 and RCW 43.51.070; repealing section 43.51.080, chapter 8, Laws of 1965 and RCW 43.51.080; and declaring an emergency.

Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO. 102, by Senators Pullen, Mardesich, Lewis, Bottiger and Benitz:

Memorializing Congress on fusion energy development.

Referred to Committee on Energy and Utilities.

There being no objection, additional sponsors were permitted on Senate Bills 2206, 2207, 2209, 2213, Senate Joint Memorial 102.

#### MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 21, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

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**TWELFTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Friday, January 21, 1977.

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 Francis and Guess. On motion of Senator Odegaard, Senator Francis was excused. On motion of Senator Jones, Senator Guess was excused.

The Color Guard, consisting of Pages Lisa Bell and Nick Erickson, presented the Colors. Reverend Glen D. Cole, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, THE PSALMIST ONCE PRAYED, 'SATISFY US IN THE MORNING WITH THY STEADFAST LOVE, THAT WE MAY REJOICE AND BE GLAD ALL OUR DAYS.' WE ASK YOU TO COME AND DO THAT AGAIN. YOU HAVE THE ABILITY TO MAKE OLD THINGS NEW. YOU CAN TAKE DOUBTS AND MAKE THEM INTO HOPES. YOU CAN TAKE TIRED, WORN PEOPLE AND MAKE THEM VITAL AND FRESH AND NEW. MAKE US TRULY ALIVE FOR THE CHALLENGES OF THIS DAY. SATISFY US THIS MORNING WITH YOUR STEADFAST LOVE. QUICKEN, WE PRAY, THE MINDS, THE BODIES, AND THE SPIRITS OF THESE REPRESENTATIVES OF THE PEOPLE OF OUR STATE. BLESS THE CLERKS AND THE PAGES. MAY DIVINE LIFE FLOW THROUGH EVERYONE THAT ENTERS THIS HALL TODAY. MAY THE DAY END WITH A SENSE OF GREAT ACCOMPLISHMENT, WITH A SENSE OF 'WE HAVE DONE OUR BEST, WITH GOD'S HELP.' MAY ALL OF US REMEMBER THE GREAT FACT THAT 'TODAY IS THE FIRST DAY OF THE REST OF OUR LIVES.' WE TAKE IT AS A GIFT FROM YOU, LORD, AND REMIND OURSELVES THAT 'MIRACLES HAPPEN WHEN WE STOP TELLING GOD IT'S IMPOSSIBLE.' FOR A GREAT DAY, AND FOR A GREAT SESSION OF LEGISLATIVE ACCOMPLISHMENT, WE THANK YOU, 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**

January 21, 1977.

SENATE BILL NO. 2021, permitting free passage on the Puget Island Ferry when SR 4 is closed (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Keefe, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 21, 1977.

SENATE BILL NO. 2022, providing for the operation and maintenance of the Puget Island ferry (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Keefe, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 20, 1977.

SENATE BILL NO. 2075, excluding convents from nursing home regulation (reported by Committee on Social and Health Services):

Recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Francis, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

January 20, 1977.

SENATE BILL NO. 2106, increasing the auditor's fee for filing internal revenue service liens and exempting them from the prepayment requirement (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, January 19, 1977.

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

LADIES AND GENTLEMEN:

There previously have been submitted to you for your confirmation by my predecessor, the Honorable Daniel J. Evans, a list of appointments.

Exercising your discretion you have not acted favorably upon the appointments, and I have not asked for their confirmation. I therefore respectfully advise you that I am withdrawing all of the names.

The list of the appointments to be withdrawn is as follows:

DIXY LEE RAY  
Governor.

#### AERONAUTICS COMMISSION

DR. WILLIAM H. CLEAVER, Seattle, appointed June 17, 1975 for the term ending December 31, 1979, succeeding George Corley, term expired.

DR. RONALD WORKMAN, Bellingham, appointed February 9, 1976 for the term ending December 31, 1980, succeeding himself, term expired.

#### COMMISSION ON ASIAN-AMERICAN AFFAIRS

VINCENT BARRIOS, Bremerton, appointed July 11, 1975 for the term ending July 1, 1978, succeeding himself, term expired.

MARY JEAN BUZA, Seattle, appointed March 29, 1976 for the term ending June 30, 1977, succeeding Lois Fleming, term expired.

MICHAEL A. CASTILLANO, Seattle, appointed May 12, 1975 for the term ending June 30, 1978, succeeding Rick Ancheta, term expired.

TERUKO OGATA DANIEL, Bremerton, appointed November 22, 1976 for the term ending July 1, 1978.

RICHARD TETSUWO DOI, Ellensburg, appointed March 29, 1976 for the term ending June 30, 1977, succeeding Richard Lee, term expired.

DUC HONG DUONG, appointed March 29, 1976 for the term ending June 30, 1977.

PAULA FRIAL, appointed August 13, 1976 for the term ending June 30, 1979, succeeding herself, term expired.

GILBERT HIRABAYASHI, Seattle, appointed July 11, 1975 for the term ending July 1, 1978, succeeding himself, term expired.

DONALD KAZAMA, Seattle, appointed August 13, 1976 for the term ending July 1, 1979, succeeding himself, term expired.

DORIS L. LOCK, Seattle, appointed May 12, 1975 for the term ending June 30, 1976, succeeding Cheryl Chow, term expired.

DORIS L. LOCK, Seattle, appointed August 13, 1976 for the term ending July 1, 1979, succeeding herself, term expired.

ANDRE LOH, Seattle, appointed July 11, 1975 for the term ending July 1, 1978, succeeding Ben Woo, term expired.

DR. BARRY M. MAR, Seattle, appointed May 12, 1975 for the term ending June 30, 1977, succeeding Dr. Isabella Yen, term expired.

EUGENE MATSUSAKA, Tacoma, appointed July 11, 1975 for the term ending July 1, 1978, succeeding Reverend Bob Yamashita, term expired.

MASAKO NAKAGAWA, Seattle, appointed August 13, 1976 for the term ending July 1, 1979, succeeding herself, term expired.

ANDY PABO PASCUA, Wapato, appointed November 22, 1976 for the term ending July 1, 1979, succeeding Reynaldo Pascua, term expired.

PAUL SHINN, appointed August 12, 1976 for the term ending June 30, 1979, succeeding himself, term expired.

GREGORY TSANG, Seattle, appointed August 13, 1976 for the term ending June 30, 1979.

PHAM NGOC TUYEN, Bellevue, appointed March 29, 1976 for the term ending June 30, 1978.

DR. JAMES M. WATANABE, Spokane, appointed July 11, 1975 for the term ending July 1, 1978, succeeding himself, term expired.

AMY WONG, appointed August 13, 1976 for the term ending July 1, 1979, succeeding Maxine Chan, term expired.

#### DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

T. EVANS WYCKOFF, Seattle, appointed July 1, 1976 for the term ending at the pleasure of the Governor, succeeding John S. Larsen.

#### EMERGENCY MEDICAL AND AMBULANCE REVIEW COMMITTEE

WILLIAM CLARK, appointed February 5, 1976 for the term ending July 1, 1977, succeeding Matthew Hayes, M.D.

DR. ROY G. FARRELL, Seattle, appointed February 5, 1976 for the term ending July 1, 1977, succeeding Jay Kranz, M.D.

DR. FREDERIC C. HELM, Vancouver, appointed August 13, 1976 for the term ending July 1, 1979, succeeding Dr. Peter Brooks.

DR. WILLIAM HENRY, Twisp, appointed August 13, 1976 for the term ending July 1, 1979, succeeding himself, term expired.

ZOE B. LUCKE, appointed August 13, 1976 for the term ending July 1, 1979, succeeding herself, term expired.

LT. MICHAEL OLSEN, Seattle, appointed August 13, 1976 for the term ending July 1, 1979, succeeding himself, term expired.

MERLIN TRAYLOR, Moses Lake, appointed August 13, 1976 for the term ending July 1, 1979, succeeding himself, term expired.

## WASHINGTON STATE ENERGY OFFICE

KEITH SHERMAN, appointed March 15, 1976 for a term ending at the pleasure of the Governor.

## GAMBLING COMMISSION

GORDON BASS, Seattle, appointed July 2, 1975 for the term ending July 1, 1981, succeeding himself, term expired.

JEROME L. BUZZARD, Lacey, appointed May 21, 1976 for the term ending July 1, 1978, succeeding Camden Hall, resigned.

OLIVER C. FURSETH, Olympia, appointed August 12, 1976 for the term ending July 1, 1982, succeeding himself, term expired.

CAMDEN M. HALL, appointed July 13, 1973 for the term ending July 1, 1978.

## WASHINGTON STATE GAME COMMISSION

ELIZABETH W. MEADOWCROFT, appointed February 12, 1975 for the term ending January 19, 1981, succeeding James Agen.

ARCHIE U. MILLS, appointed February 12, 1975 for the term ending January 19, 1981, succeeding Elmer Gerken.

## DEPARTMENT OF GENERAL ADMINISTRATION

KEITH ANGIER, Mercer Island, appointed August 20, 1973 for a term ending at the pleasure of the Governor.

## STATE HIGHWAY COMMISSION

LORNA REAM, Spokane, appointed April 2, 1976 for the term ending July 1, 1981, succeeding Baker Ferguson.

## HORSE RACING COMMISSION

HERMAN SARKOWSKY, Bellevue, appointed February 11, 1975 for the term ending January 15, 1981, succeeding Douglas Wilson.

HOWARD S. WRIGHT, Redmond, appointed March 16, 1973 for the term ending January 14, 1977, succeeding Robert Earley, term expired.

## DEPARTMENT OF LABOR AND INDUSTRIES

JAMES L. RONDEAU, Seattle, appointed May 7, 1976 for a term ending at the pleasure of the Governor, succeeding William C. Jacobs.

## MEXICAN-AMERICAN AFFAIRS COMMISSION

RAY BACA, Tacoma, appointed July 24, 1975 for the term ending July 1, 1979, succeeding Adan Farias Tijerina.

KEO CAPESTANY, Seattle, appointed September 19, 1975 for the term ending July 1, 1979, succeeding himself, term expired.

TOMAS CERNA, Toppenish, appointed July 24, 1975 for the term ending July 1, 1979, succeeding himself, term expired.

ALFRED DIAZ, appointed July 24, 1975 for the term ending July 1, 1979, succeeding Dr. Zenaïdo Camacho.

DAVID C. GARCIA, Seattle, appointed February 27, 1976 for the term ending July 1, 1977, succeeding Robert Guadiana.

LEONARDO RUIZ, Moses Lake, appointed July 24, 1975 for the term ending July 1, 1977, succeeding Rod Sanchez.

MARGARET ZAMUDIO, appointed September 19, 1975 for the term ending July 1, 1979, succeeding herself, term expired.

#### PACIFIC MARINE FISHERIES COMMISSION

HAROLD E. LOKKEN, Seattle, appointed June 12, 1975 for the term ending June 12, 1979, succeeding himself, term expired.

#### PARKS AND RECREATION COMMISSION

BEN HAYES, appointed January 1, 1977 for the term ending December 31, 1982, succeeding himself, term expired.

#### STATE BOARD OF PHARMACY

KATHRYN L. OSBORNE, Seattle, appointed February 2, 1976 for the term ending January 19, 1980, succeeding herself, term expired.

#### PLANNING AND COMMUNITY AFFAIRS

RICHARD W. HEMSTAD, Olympia, appointed July 1, 1973 for a term ending at the pleasure of the Governor, succeeding Richard Slavin.

#### POLLUTION CONTROL HEARINGS BOARD

ART BROWN, Seattle, appointed July 1, 1976 for the term ending July 1, 1982, succeeding himself, term expired.

#### BOARD OF PRISON TERMS AND PAROLES

BRUCE JOHNSON, Seattle, appointed June 12, 1975 for the term ending April 15, 1980, succeeding himself, term expired.

ROSS M. PETERSON, Olympia, appointed April 15, 1976 for the term ending April 14, 1981, succeeding himself, term expired.

#### PUBLIC DISCLOSURE COMMISSION

ALFRED HARSCH, Olympia, appointed June 9, 1975 for the term ending December 31, 1977, succeeding Stuart G. Oles.

DR. WERNER QUAST, Port Angeles, appointed January 1, 1976 for the term ending December 31, 1980, succeeding himself, term expired.

#### PUBLIC EMPLOYEE RELATIONS COMMISSION

ROBERT ARKELL, Longview, appointed October 22, 1975 for the term ending September 8, 1979.

MICHAEL H. BECK, Seattle, appointed October 22, 1975 for the term ending September 8, 1978.

MARY ELLEN KRUG, Seattle, appointed November 4, 1976 for the term ending September 8, 1980, succeeding Philip Kienast.

#### DEPARTMENT OF RETIREMENT SYSTEMS

RONALD L. MYLES, appointed June 28, 1976 for a term ending at the pleasure of the Governor.



## DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MILTON BURDMAN, appointed August 1, 1976 for a term ending at the pleasure of the Governor, succeeding Charles R. Morris.

## BOARD OF TAX APPEALS

GLENN E. CORREA, Shelton, appointed July 1, 1975 for the term ending March 1, 1977, succeeding J. Joy Williams.

ROBERT TENNEY, appointed May 23, 1973 for the term ending March 1, 1979, succeeding himself.

JOAN THOMAS, Seattle, appointed July 1, 1974 for the term ending March 1, 1975, succeeding James Stanford.

## DEPARTMENT OF VETERANS AFFAIRS

DONALD A. RYAN, Lakewood, appointed July 1, 1976 for a term ending at the pleasure of the Governor.

COLLEGE AND EDUCATION APPOINTMENTS  
BELLEVUE COMMUNITY COLLEGE

RICHARD C. ADAMS, Mercer Island, appointed January 4, 1977 for the term ending April 3, 1981, succeeding Roy S. Peterson on the Board of Trustees.

## BIG BEND COMMUNITY COLLEGE

HELEN HEINEMANN, Ritzville, appointed April 2, 1976 for the term ending April 3, 1981, succeeding Alma Galbraith on the Board of Trustees.

DR. H. DEAN LAXTON, Moses Lake, appointed June 10, 1976 for the term ending April 3, 1977, succeeding John E. Jones on the Board of Trustees.

## CENTRAL WASHINGTON STATE COLLEGE

DR. W. EUGENE BRAIN, Renton, appointed April 22, 1976 for the term ending March 1, 1982, succeeding himself on the Board of Trustees.

DR. J. R. GUSTAFSON, Yakima, appointed January 4, 1977 for the term ending March 1, 1979, succeeding Herbert L. Frank on the Board of Trustees.

CATHERINE HUNTER, Wenatchee, appointed March 2, 1975 for the term ending March 1, 1981, succeeding Mrs. Hugh Minor on the Board of Trustees.

JAMES WALDO, appointed September 22, 1976 for the term ending March 11, 1982, succeeding Philip Caron on the Board of Trustees.

## CENTRALIA COMMUNITY COLLEGE

MELVIN D. HENDERSON, Olympia, appointed May 1, 1975 for the term ending April 3, 1980, succeeding himself on the Board of Trustees.

RENE REMUND, Chehalis, appointed January 4, 1977 for the term ending April 3, 1978, succeeding Robert B. Thompson on the Board of Trustees.

F. GEORGE WARREN, Olympia, appointed April 19, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

## CLARK COLLEGE

YVONNE C. MONTCHALIN, Camas, appointed April 16, 1976 for the term ending April 3, 1981, succeeding Clarence Irwin on the Board of Trustees.

## COLUMBIA BASIN COMMUNITY COLLEGE

C. J. MITCHELL, Richland, appointed April 3, 1976 for the term ending April 2, 1981, succeeding himself on the Board of Trustees.

## STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

RICARDO M. AGUIRRE, appointed January 19, 1976 for the term ending April 3, 1979, succeeding George Deucy as a board member.

MRS. JEAN LUDWICK, Wenatchee, appointed April 3, 1976 for the term ending April 2, 1980, succeeding herself as a board member.

DR. JAMES R. OTTO, Everett, appointed April 3, 1976 for the term ending April 2, 1980, succeeding Jean Bakke as a board member.

## EASTERN WASHINGTON STATE COLLEGE

MERLE W. HAFFNER, Spokane, appointed March 12, 1976 for the term ending March 1, 1982, succeeding himself on the Board of Trustees.

BRUCE McPHADEN, Spokane, appointed November 24, 1976 for the term ending March 1, 1982, succeeding Morris Shore on the Board of Trustees.

MORRIS G. SHORE, Yakima, appointed March 12, 1976 for the term ending March 1, 1982, succeeding himself on the Board of Trustees.

## EVERETT AND EDMONDS COMMUNITY COLLEGE

SHIRLEY BETHAM, Edmonds, appointed January 29, 1976 for the term ending April 3, 1979, succeeding Ramon J. Gould on the Board of Trustees.

CLAUDETTE R. CODY, Edmonds, appointed April 23, 1976 for the term ending April 3, 1981, succeeding herself on the Board of Trustees.

THEODORE H. MUNCASTER, Everett, appointed May 2, 1975 for the term ending April 3, 1980, succeeding himself on the Board of Trustees.

## EVERGREEN STATE COLLEGE

RAY MEREDITH, Olympia, appointed April 7, 1976 for the term ending March 15, 1982, succeeding Trueman L. Schmidt on the Board of Trustees.

## GREEN RIVER COMMUNITY COLLEGE

HUGH MATHEWS, Auburn, appointed April 5, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

## GRAYS HARBOR COMMUNITY COLLEGE

LAWRENCE W. WEINSTEIN, Aberdeen, appointed April 2, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

## HIGHLINE COMMUNITY COLLEGE

EDWARD LE PENSKE, Seattle, appointed April 4, 1974 for the term ending April 3, 1979, succeeding himself on the Board of Trustees.

ROSALIE LUCE, Federal Way, appointed April 16, 1976 for the term ending April 3, 1981, succeeding David Lundberg on the Board of Trustees.

## LOWER COLUMBIA COMMUNITY COLLEGE

KENNETH A. FARLAND, Kelso, appointed April 3, 1976 for the term ending April 2, 1981, succeeding Herbert C. Urie on the Board of Trustees.

## OLYMPIC COMMUNITY COLLEGE

BRUCE O. ARMSTRONG, Silverdale, appointed January 4, 1977 for the term ending April 3, 1978, succeeding Mrs. Jonnie Foster on the Board of Trustees.

ROBERT KOCH, Bremerton, appointed January 4, 1977 for the term ending April 3, 1977 succeeding Raymond Soule on the Board of Trustees.

JOSEPH MENTOR, Silverdale, appointed May 11, 1976 for the term ending April 3, 1981, succeeding Margaret Strachan on the Board of Trustees.

MARGOT M. RISHER, Port Orchard, appointed November 22, 1976 for the term ending April 3, 1980, succeeding John R. Bruckart, Jr., on the Board of Trustees.

MRS. KAREN SCHMIDT, Bainbridge Island, appointed January 4, 1977 for the term ending April 3, 1979, succeeding Henry P. Sandstrom on the Board of Trustees.

## PENINSULA COMMUNITY COLLEGE

FREDERICK B. ROSMOND, appointed April 23, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

## STATE COUNCIL ON POSTSECONDARY EDUCATION

MARVIN WILBUR, Anacortes, appointed April 5, 1976 for the term ending June 30, 1981, succeeding J. Oliver Crawford as a council member.

## SEATTLE COMMUNITY COLLEGE

DANIEL V. CARBONE, Seattle, appointed April 2, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

ARTHUR S. SIEGAL, Seattle, appointed April 4, 1975 for the term ending April 3, 1980, succeeding himself on the Board of Trustees.

## SHORELINE COMMUNITY COLLEGE

BEN WOOD, JR., Seattle, appointed April 3, 1976 for the term ending April 2, 1981, succeeding himself on the Board of Trustees.

## SKAGIT VALLEY COMMUNITY COLLEGE

NORMAN DAHLSTEDT, Mount Vernon, appointed May 17, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

SANDY L. JOHNSON, Mount Vernon, appointed December 30, 1976 for the term ending April 3, 1980, succeeding Gordon Lien on the Board of Trustees.

## SPOKANE COMMUNITY COLLEGE

NANCY BURNETT, Spokane, appointed April 3, 1975 for the term ending April 3, 1980, succeeding Leonard Stubbs on the Board of Trustees.

CHARLES T. FANNING, Garfield, appointed April 2, 1976 for the term ending April 3, 1981, succeeding Bryant Smick on the Board of Trustees.

## COMMISSION ON VOCATIONAL EDUCATION

REVEREND SAMUEL B. MCKINNEY, appointed August 12, 1976 for the term ending July 1, 1981, succeeding himself as a commission member.

SOCORRO M. ROCHA, appointed August 12, 1976 for the term ending July 1, 1979, succeeding Diane Jackson as a commission member.

## TACOMA COMMUNITY COLLEGE

RICHARD F. EVANS, appointed December 22, 1975 for the term ending April 3, 1980, succeeding Daniel C. Smith on the Board of Trustees.

LAWANNA LEE, Tacoma, appointed April 2, 1976 for the term ending April 3, 1981, succeeding herself on the Board of Trustees.

## UNIVERSITY OF WASHINGTON

DR. ROBERT L. FLENAUGH, Seattle, appointed March 10, 1976 for the term ending March 9, 1982, succeeding himself on the Board of Regents.

JACK G. NEUPERT, Spokane, appointed March 10, 1976 for the term ending March 9, 1982, succeeding himself on the Board of Regents.

## WALLA WALLA COMMUNITY COLLEGE

TOM BAKER, Waitsburg, appointed April 14, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

## WENATCHEE VALLEY COMMUNITY COLLEGE

MARY HENRIE, Wenatchee, appointed April 7, 1976 for the term ending April 3, 1981, succeeding Merylynn Wilson on the Board of Trustees.

## WESTERN WASHINGTON STATE COLLEGE

RITAJEAN BUTTERWORTH, appointed March 24, 1976 for the term ending March 16, 1982, succeeding herself on the Board of Trustees.

RALPH MUNRO, Bainbridge Island, appointed January 3, 1977 for the term ending March 8, 1977, succeeding Patrick C. Comfort on the Board of Trustees.

ROBERT W. WINSTON, JR., Spokane, appointed March 24, 1976 for the term ending March 16, 1982, succeeding himself on the Board of Trustees.

## YAKIMA VALLEY COMMUNITY COLLEGE

FRANK BACON, Yakima, appointed December 30, 1976 for the term ending April 3, 1979, succeeding Mary K. Skinner on the Board of Trustees.

WILLIAM L. HALPIN, Yakima, appointed April 20, 1976 for the term ending April 3, 1981, succeeding himself on the Board of Trustees.

MRS. LENORE LAMBERT, Yakima, appointed December 30, 1976 for the term ending April 3, 1978, succeeding Charles de La Chapelle on the Board of Trustees.

## MOTION

Senator Walgren moved that the Secretary of the Senate be instructed to comply with the request of Governor Ray.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, the newly elected Governor has requested of this body that we return to her those appointments that have been made by her predecessor, Governor Evans, but not acted upon by the Senate.

"It is our belief that an incoming Governor should have an opportunity of affecting her administration by the appointments that are made to the various boards and commissions. For this reason it is our belief that the appointments that have not been acted upon by the Senate should be returned to her so that she may

select such persons as she believes are appropriate to serve in these various positions. There is, of course, considerable precedence for the action that is being taken today. We know that in 1957, Governor Rosellini made a similar request. We know that on two occasions in 1965 Governor Evans made such a request of this body, and on those occasions the request was honored by the body and the particular persons who were requested to be withdrawn were indeed withdrawn by the Governor. So there is certainly adequate precedence for the request of Governor Ray. The form of the request that she has made, of course, is in exactly the same form as it was presented to this body in those years that were mentioned previously.

"So I would urge the Senate to honor the request of the Governor and return the appointments of Governor Evans back to her so that she can make the necessary appointments for the continuation of the state government."

### PARLIAMENTARY INQUIRY

Senator Newschwander: "Thank you, Mr. President, parliamentary inquiry. I looked through this list that was just dropped on my desk, and I wonder whether the Senate has possession of this some hundred and twenty four names. I go through the list and see appointments in 1973, 1974, 1975 and 1976. I feel certain that some of those early appointments are in the possession of the committee. I feel certain that some of the latter appointments in 1976 are in the possession of the Senate, and so it has always been a matter of courtesy that when we withdraw a bill from a committee—I have heard Senator Bailey say many times that we do not do that—we have had some pretty good debates. So I would like a decision by the Chair that who has possession of these bills.

"I look at the record in 1965, and there had been a motion made on those two names that Senator Walgren alluded to, but they at that time were actually in the possession of the Secretary of the Senate through a motion and had never been read into the Senate. So I think that we have a little different ball game, and I would like a decision by the Chair that of the hundred and twenty some names, who has possession, the committee, the Senate or the Secretary of the Senate."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Newschwander, in reply to your inquiry the President finds that Senate Concurrent Resolution No. 136 which was adopted by the forty-fourth legislative session provided that all bills, joint or concurrent resolutions, memorials in the hands of the Secretary of the Senate, committees or committee clerks be indefinitely postponed. The appointment messages received from Governor Evans are not covered by this particular resolution. Because of that, inasmuch as the Senate is a continuing body and this is a new legislative session, the President must assume that the appointment messages are in the possession of the Senate and are on file with the Secretary of the Senate's office."

### POINT OF ORDER

Senator Clarke: "At this time I wish the President's Ruling upon the impropriety of the motion proposed by Senator Walgren on the following grounds:

"One, the Senate has no constitutional or statutory right or power to dispose of gubernatorial appointments which require confirmation by the Senate, other than to take a roll-call vote about each appointment separately with respect to confirmation or rejection.

"Two, that each such appointee has a constitutional and statutory right when appointed by the Governor to continue to hold office for the term appointed unless his confirmation is affirmatively rejected by a roll call vote of the Senate, or he is subject to removal upon statutory grounds.

"Three, that when the Governor makes an appointment which is subject to confirmation by the Senate, and sends such appointment to the Senate for confirmation, each Senator has a constitutional and legal right to cast an individual and separate roll call vote for the confirmation or the rejection by the Senate of such appointee."

#### POINT OF ORDER

Senator Mardesich: "Point of order, Mr. President. The Senator reads without leave of the body, and I should request that copies of what he is reading from be submitted to the body this time"

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Replying, Mr. President, these are part of my own oral presentation. These are notes which I am using to be sure that I make my presentation in the way that I wish to make them."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I have no argument with that, Mr. President. I merely—the point of order that I raised—and request copies in league with the past rules and custom of the Senate."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Responding to that, if I were reading, Mr. President, from something that had been prepared by someone else and was something other than my own notes with respect to making a presentation, I think the Senator's request would be in order, but I have yet to see a situation when a Senator on the floor does not have the right to refer to his own notes as to the type of presentation which he wants to make, and that such notes, merely because he has them, become within the scope of the point made by Senator Mardesich."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I disagree with Senator Mardesich. I would like to hear Senator Clarke's presentation. I do think however, Senator Clarke, it would be fitting if we could, when you have finished, have a transcript made of this so that we could have it before us, and it is going to be a very complicated ruling by the President, but I do agree and I think that I would like to support his right to continue."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes the remarks of Senator Bailey are well taken."

#### POINT OF ORDER—CONTINUED

Senator Clarke: "Thank you. I will reread number three. I am not sure at what point I was interrupted and incidentally, I will say that these various points will be immediately handed to the Secretary of the Senate so that they may be placed upon the desk of each Senator.

"Three, that when the Governor makes an appointment which is subject to confirmation by the Senate, and sends such appointment to the Senate for confirmation, each Senator has a constitutional and legal right to cast an individual and separate roll call vote for the confirmation or rejection by the Senate of such appointee.

"Four, that once the Governor has made an appointment to an office which is subject to confirmation and has sent such appointment to the Senate for confirmation, the Governor's function is completed and he has no power over such appointment unless the Senate affirmatively acts to reject such appointment, whereupon a vacancy occurs and the Governor may make a new appointment.

"That ends my point of order, and with the President's leave, I would like to present a brief argument in support of it."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "While we are at ease I would simply like to call the attention of the body to Reed's Rules, No. 187, pertaining to the reading of rules, reading of papers. It says, if I might quote, 'with the leave of the Senate. Whenever an assembly has to take final action upon a paper, any member has a right to have the paper read, in order that the assembly may know what it is voting upon. But if the paper is one on which a final vote is not being taken, it is usually not read, and if any member objects, the reading must be ordered by the assembly on motion.'"

#### REPLY BY THE PRESIDENT

President Cherberg: "Thank you, Senator Mardesich."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, supporting the Ruling of the Chair on Senator Clarke's reading his own material, so many times Senator Lennart, many times and many excellent speakers write their notes and write their speeches and actually read from it. There is much precedence for it, and I think it should be just clear that a person can prepare written remarks and read them."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I have no argument with that position. I merely say that if a member desires to have copies of what is being read, then the member can demand that those copies be furnished. That is the effect, the purpose of the rule."

At 11:35 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 11:44 a.m.

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. A very brief argument in support of my point of order, the appurtenant portion of the Constitution is Article 13, Section 1, which in substance, says, 'With respect to regents, trustees or commissioners of all institutions shall be appointed by the Governor by and with the advice and consent of the Senate, and upon all nominations made by the Governor the question shall be taken by ayes and nays and entered upon the Journal.' Now, one of the main reasons that I am presenting this point at this time —"

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I hate to keep interrupting, but it seems to me that the point of order, that the Senator has addressed himself to four points of order, and on that he could be called to a point of order. It seems to me that we should segregate these points of order that he is attempting to raise, and consider them separately. In the very paper which we have just now had put on our desks, he raises the question,

'any of these appointments the following points of order should be made:' He, himself, asserts that they are points of order, and I wish to know which point we are debating."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: I think that the Senator's point would be well taken if they were separate points of order. However, the points all made relate to a single constitutional provision and they are in reality just in substance an elaboration of the basic single point. I think that the President's Ruling on one would necessarily be the same as on the rest of them."

#### RULING BY THE PRESIDENT

President Cherberg: "The President believes the remarks by Senator Clarke are well taken in that the four points are directed to one complete point of order."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. The reason that I feel so strongly that this point should be raised, and I urge the President and the members to consider this situation, and that is that if the provision of the Constitution is not followed and the obvious purpose of the provision of the Constitution is to deny that each appointee shall separately receive the consideration of the Senate and have a roll call vote upon whether he is or is not confirmed. It is well known that once a person is appointed by the Governor and the matter is sent to the Senate for confirmation he in substance takes the office and exercises all the prerogatives of that office, and will continue to do so unless he is not confirmed by an affirmative vote of the Senate at which time and at which time only, is his term of office or qualification terminated.

"Now, if the procedure here proposed is legal, then the Senate would be placed in a position which in many constitutional instances, particularly with respect to bills where there is a prohibition against a bill covering more than one subject, the Senate is placed in a position, and many of you members will be placed in a position where there may be many people on that list, many individual people who, if they did come before the Senate, as they have a constitutional right to come before the Senate for individual confirmation or rejection, they would be confirmed by the Senate. Now, these people if this action is taken, this bulk action, are placed in a position where the Senate has no choice, no alternative, but to reject and refuse to confirm in substance some people who are very able people and who they would want to confirm simply because they are not prepared to confirm the entire slate as such. In other words, if there is one person on there that any Senator would want to reject he would have no alternative but, in substance, to reject the entire slate for that reason. The Constitution never contemplated such a thing. While there have been a few instances in the past where the Senate on one or two individuals has purported to act otherwise, never has there been anything of this wholesale nature presented, and in any event, if the Senate acted illegally upon one occasion that does not in any way make it proper for them to continue to proceed illegally.

"Now, the merits of the situation are not properly debated as a point of order. I simply urge the President and the members of the body to be aware of the type of precedent that they would be creating if they proceed in this manner. Now, if they do wish to accommodate the Governor and to return some or all of the appointments, they can do this in a perfectly legal manner by considering the appointments individually, and they can use, if they so desire as a basis for their return, the fact



that they are simply giving the new Governor another opportunity in effect to designate her choice, but this should be done legally and in accordance with the Constitution. It should not be done in this wholesale manner, creating a very, very dangerous precedent which in reality would make these appointments which are intended to be nonpolitical, and on their merits, a part of what could be simply a political spoils system. The Constitution never so intended, and I frankly do not believe that the Senate wishes to put itself in that position. Thank you, Mr. President."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, members of the Senate, speaking to the point of order, the Senate has ample precedent for dealing with more than one name. You are going to ask me why I voted against this in 1965. I voted against it because Ernie Cowell and Irving Clark were good friends of mine and it was a personal issue, but we did establish the precedent in 1965. We returned both names. You people argued that that was perfectly proper. I think the record will show that. In 1957 we did the same thing with Governor Rosellini. You were probably on the other side at that time so consistency is not anything any one of us can claim, but precedent is. It goes way back beyond that where we have, the Secretary has traced out, of previous Governors. This has been done many times. Now the reason it is so enormous this time, Mr. President, I think, is because it is bigger than it was before. We have assembled a lot of names that we never used to have to confirm, but the point is, if it is good for one or two there is no reason why it is not good for fifty or sixty. Particularly, when a Governor going out of office, the week before he goes out names several of his people, his friends, to positions that should be filled by the incoming Governor. I think those are deplorable situations. They remind me of the grade school midnight judges of John Adams except those were lifetime appointments. I hope the Senate determines these are not lifetime appointments that they are handed today.

"The other thing I wanted to say is that probably when the motion is made under Senator Clarke's point of order whether or not this is a rejection or not is an exercise in semantics I guess. When we take action, I think we probably have in effect rejected those people because they no longer can serve, and the Governor has talked to our side, is very anxious not to have a lack of a quorum in any group. Some of those lacks of quorums are because the people serving did not want to file financial disclosures and that is not our concern. That is their concern. They chose not to have a quorum on their own committees, but I urge that you rule that Senator Clarke is out of order."

#### REMARKS BY SENATOR MARSH

Senator Marsh: "Thank you, Mr. President. Responding to the point of inquiry, I would like to point out that there is no constitutional or statutory prohibition on voting on more than one appointee at the same time. That is really the issue. Can you vote on more than one at the same time? I have carefully looked at the language in Article 13, Section 1, to which Senator Clarke refers, and nothing in Article 13, Section 1, prohibits voting on more than one at the same time, so I respectfully submit that the Senate will be acting on all and each appointment by voting on Senator Walgren's motion which was to comply with the request of the Governor and return all of the appointments to the Governor. Whether we act collectively or singly, that issue is not determined by the Constitution. It is not determined by any statutes. Now, Senator Clarke is a very careful lawyer. Were he able to point to a single constitutional requirement requiring a vote on each being voted on separately, he would have done so. Likewise he would have pointed to a statutory right to vote on

each separately if he were able to do so, but he has not done that, so I submit then that there is precedent for voting on more than one, as Senator Bailey has indicated, at the same time and we ought to follow that precedent.

"Furthermore, I am not so sure that we actually have to go through voting under this set of circumstances. There is historical precedence in 1897, in 1905 when letters were sent from then incoming governors to the Senate in essence stating that certain nominations made by the predecessor but not acted upon should be withdrawn, and the record indicates that those nominations were withdrawn without a vote. There is no record of a vote, so there is some precedent, and so the key thing then, in this subpoint one of Senator Clarke's point of order is the word, separately, and I just simply submit that there is no constitutional or statutory basis for that and there is precedent for doing it the other way.

"His second subpoint here was that each appointee had a constitutional statutory right to hold office for the term appointed unless his confirmation is affirmatively rejected. I submit that when we vote on Senator Walgren's motion here today, and send all of them back, and have each of them back, that we will have affirmatively rejected each individual, and we will satisfy that particular point.

"The third subpoint was that when the Governor makes an appointment which is subject to confirmation, each Senator has a constitutional legal right to cast an individual and separate roll call vote on each appointee. Again, the key word is 'separate', separate roll call vote, and there is nothing in the Constitution, nothing in the statutes that gives the right to a separate vote. When we vote today on Senator Walgren's motion, we are going to be voting to return all and each, and that will satisfy the requirement in that particular.

"The final point is that once a governor has made an appointment to an office which is subject to confirmation and sent such confirmation to the Senate, he has no power over such appointment unless the Senate affirmatively acts to reject such appointment. I submit we have been requested to return this. We are affirmatively acting by Senator Walgren's motion to comply with the Governor's request. We do not have an obligation to, but we are choosing to do so on this side of the aisle, to act affirmatively. We are going to be returning these appointments to the Governor and we will then be meeting that requirement. We are acting on each although albeit collectively by voting on the motion.

"I submit again, in summary, that we satisfy each and every subpoint of Senator Clarke's point of order and that we are to proceed with the vote here and will be in good order."

#### POINT OF INQUIRY

Senator Woody: "Will Senator Clarke yield to a question? Senator Clarke, in your points of order under numbers two and three you refer to not only constitutional rights, but on the one hand statutory rights and under paragraph three, legal rights. Could you give me any statutory citations or any other citations, either from statutes or from case law relating to legal rights?"

Senator Clarke: "Yes, we have had our counsel make a digest, and there are many, many statutes that relate to the appointment of various officials and their method of removal, and I will be glad to make available to you a copy of that brief."

Senator Woody: "You do not have the statutory references here now so that we might look at them before there is a vote, or case law citations?"

Senator Clarke: "Let me say first with respect to case law, I think that it has been researched pretty carefully by both sides and as far as I know there is no specific case law that deals on this particular point, and that is as to whether there is a constitutional right to be considered separately, so my other answer to that would be that I think that there are other provisions of the Constitution which relate in effect to the subject of bills, and there are cases upon that which you well know, and in

substance they say that the basic reasoning for upholding the prohibition against bills covering more than one subject, and where it is stated that if a bill does cover more than one subject the entire bill is unconstitutional. The reason being that it is impossible to determine whether in effect there was a consideration of each matter separately or whether in effect the body was placed in a position where it was forced to vote against a thing they would like to enact because there was something more desirable coupled with it, or in effect vote for something that they did not like for the same reason."

Senator Woody: "Could you give me any other statutory citations on which you base your point of order?"

Senator Clarke: "I would like to comply with that by filing as part of the record the notation that our Caucus Counsel has made."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, in the brief time that I have been able to look at Article 13 of the Constitution which appears to be about the only authority, the only authority on this issue, I would make several observations at the outset. Number one, clearly the language here is not self-executing, and could not under any interpretation, be self-executing. If you just use your imagination a little bit you can understand why. It is really an initial activity that the Governor must do, must send the appointment. After that, it is not the end of the Governor's function. For example, if the appointee who had not been acted upon yet were to move to Hong Kong, and not resign, not take any other action, just move to Hong Kong and say, 'I am never coming back,' do we have to go through the hearing where we will not have a witness and either affirm or reject, or can the Governor withdraw and appoint again, or do, as was suggested earlier, appoint a second person without a withdrawal upon which we could act?"

"You ask whether there is any other precedence outside the State of Washington. Well, there just was. It was today or yesterday. President Carter appointed Ted Sorensen to be head of CIA. No activity by the Senate. The same or very similar provisions that the United States Senate must handle as far as appointments are concerned. Ted Sorensen himself withdrew the appointment, said, 'I will not be an appointee for that position.' It did not take any activity on the part of the United States Senate in order to be able to consider a new appointee put up by President Carter."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I address myself first to the Sorensen example because it is the latest. I do not think there is any similarity. You cannot force a man to serve. Any person has the right to withdraw his own name from any nomination, and the failure to serve for the man who goes to Hong Kong is, of course, the cause for dismissal.

"For the point for the moment, I would like to address myself to what I consider an important point, and I am sure that it was probably merely a matter of form, the letter from the Governor. It states in the second paragraph, last sentence thereof, 'I therefore respectfully advise you that I am withdrawing all of the names.' I suspect that that is the same form that has been used by other governors in the past, Rosellini, Evans and so on. I however, wish to make it clear that I believe there is no such authority on the part of the governor to withdraw once the nomination is in the hands of the body, and state that for the record. Once that appointment is with us, the Senate is not obligated to accept the direction of another function of government, another body of government. By law we are delegated the confirmation authority by Constitution, and I merely want to make that point loud and clear. If it

is our desire to comply with the Governor's request, quote, that is another thing, and I think that is the way we interpret this letter, and merely point out that when I vote that is exactly what I am doing.

"The other issue, of course, is the question of the single vote. Senator Clarke points to the Constitution as it relates to the passage of a bill. The Constitution is explicit with respect to a bill. Had the framers of that Constitution wanted that same authority, those same rules, regulations, the same requirements to apply to confirmation, they would have included confirmation within that paragraph the Constitution relating to the form, the course, the voting, the single subject required in the bill. As to the voting itself, I think that is a procedural matter. The Senate has no rules at this time. There are no rules to suspend. The majority will make the decision, and I think that internal procedural matter of how a matter is handled, other than as required by constitutional law, is one which the Senate will decide itself, and the motion as made by Senator Walgren is a decision by the body to handle these in one block, and a vote on the whole becomes a vote on every one."

#### REMARKS BY SENATOR LEWIS

Senator Lewis: "Yes, Mr. President, I think we have some evidence as to what previous interpretations have been. I realize that we do not have rules of the Senate at this moment, but for some years we have had some rules and I would refer you to Rule 68, and if I may, Mr. President, read the last paragraph of Rule 68 from 1975. If I may read that, it says, and I am listing out of context the entire rule, but the appropriate paragraph says, 'When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name, singular, proposed, and the roll shall then be called and the yeas and nays entered upon the Journal, parentheses, Article 13, State Constitution, end of parentheses.' I think that indicates previous interpretation."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I must disagree with Senator Mardesich on the authority of the executive to withdraw a nomination. I cite Heywood, Caswell, and I mean Carswell, and I have been trying to think of the name of the individual that President Ford withdrew who had been nominated by President Nixon. I think the Executive's authority on their selection would permit them to withdraw a name for consideration even after it had been submitted here, but that is not the issue here right now before us. I would suggest you consider this request as coming from the Governor and not an individual, from the office of Governor. The Governor had changed their mind. We may have changed the Governor in the meantime, but the Governor's office had changed its mind on certain nominations, and had asked the Senate to withdraw from consideration for those individuals and substitute others, and that is the issue we have right now. Would suggest that were we to adopt the interpretation Senator Clarke has put on this, the answer would be no. That once it is here we must individually vote, and I simply must disagree with that. It seems to me another factor. We have precedence. We have four of them. On two occasions the Senate did not even act. It just read it into the Journal and withdrew them. On two other occasions the Senate acted in the same manner as Senator Gordon Walgren's motion that we adhere or agree with the request of the Governor and send the nominations back. So either way we have precedence for doing it. It boils down to, I think, in respect to Governor Evans' appointments, that we might say what was sauce for the gander is now sauce for the goose."

## REMARKS BY SENATOR SCOTT

Senator Scott: "If I read Senator Bottiger's argument correctly, a number of wrongs should be followed by another one. We do have a precedent here, but it is one of kind, not degree. Where is the precedence for sending a hundred thirty appointees in a counter march? There isn't any and what we are doing is extending a system where a succeeding governor, if he or she be of the different party than his or her predecessor, then tries to, in effect, telescope the predecessor's authority during his or her time of office by inserting appointees to vacancies that were created during that prior term. There is nothing that any of us can do to speed or delay the vacancies. It should be the prerogative of the Governor that is in office at the time the vacancy is created to set before us appointees, nominees, to be appointed or rejected to those positions. So I think the analogy is very loose at best. There is practical matter, whether we agree or disagree on how the legalities of it come out is one thing, but as a practical matter, I count forty two prospective members of boards of trustees and serving members of boards of trustees of the community college system here. We have two other institutions, four-year institutions that will be without a majority, a working majority, a quorum. We have four two-year institutions that will be without them. Word has it, and I am sure Senator Walgren will remind the body that the Governor is going to place enough people, new people, on those boards so that they do have a working majority for legal purposes, and she will do that in very quick order, but they are likely not to be the same people, and we lose the benefit of the experience of those who have been serving, many unconfirmed, and what happens to the labor negotiations that they have been involved in, and what happens to the continuity of those institutions? Does three members on a five member community college board guarantee that they are going to be able to take action? Maybe on procedural matters, but is every one going to be together on the heavy policy matters? And those are the ones that count. What is this going to do to the quality of those institutions, are you going to be able to find twenty, thirty or forty people within the next sixty days? If you don't, isn't quality going to suffer? There has been a lot of effort expended since the passage and extension of 276 to get quality people to serve, and if the new administration can get that many people in that little time, it will be setting a new record in that respect. It has also been rumored that we are going to pass a new rule here in the Senate to, in effect, terminate the procedure that is being suggested after this particular motion is sent along its way. If the rule is a valid one, that each governor should be allowed to have his or her appointees voted up or down, why isn't it valid this morning?

"So, I think the problem we have got here is not one of the Governor's office, this governor or the last governor, it is our problem and it is our responsibility to act on these people, and if you as a majority, want to reject some of them and Governor Ray wants to send some more up, that is appropriate. But we ought to do our part, and not engage ourselves in what may be is legally questionable, certainly impractical, and certainly irresponsible."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I think that there has been some excellent debate with regard to the legal questions that are involved in returning these particular appointments, and I think that there is ample precedent as has been pointed out by Senator Marsh and others on the Democratic side of the aisle here for the return of these appointments of Governor Evans. But I think we should but this in context, under the political context of the day, and I am referring specifically to Senator Clarke's reference to the possibility that if we act favorably upon my motion, that we will be setting forth perhaps a political spoils system. I suggest that perhaps that argument might be made the other way. I do not know the exact number, but I

think it is safe to say that there was a substantial number of appointments made after the election, after the election by Governor Evans sent up here to us so that the administration if you will, the Evans administration could be continued on for years into the future even though we have a new governor. Now, I do not think that is what the people of the state of Washington wanted. I do not think that is what the people of the state of Washington wanted when they elected a new governor, and I suggest that if we are going to have a responsible form of government, responsive to the people, then this motion that I have made should be acted upon favorably."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you. Responding very briefly to Senator Walgren, if the Senate should desire to do what Senator Walgren suggests, and that is for any reason, be it political or otherwise, return these appointments as nonconfirmed, there is a perfectly proper and legal way to do that, and that is simply to consider them by the body one by one and vote them up or down. So, in reality, if the Senate wants to so proceed, there is no question but what it can do that in a legal manner. Why, then, do you run into a situation or are our honored people on the other side here—"

#### POINT OF ORDER

Senator Marsh: "Is Senator Clarke addressing himself to his point of order, or is he engaging in general discussion about philosophy of how we ought to do things?"

#### REPLY BY SENATOR CLARKE

Senator Clarke: "Senator, I am responding to Senator Walgren's remarks. I have concluded. Thank you, Mr. President."

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point of order as presented by Senator Clarke, the President finds that precedent has been established in 1897, 1905, 1957 and 1965 that the Governor may withdraw from the Senate's consideration nominations submitted by the Governor or the Governor's predecessor in office at any time before the Senate acts thereon.

"The President believes that the motion to comply with the Governor's message is properly before the Senate but the President hastens to point out that this motion is tantamount to a motion to concur, and thus is also subject to nonconcurrence by the body. Therefore, the Senate, in its wisdom may comply with the Governor's request or reject the request of the Governor."

The President declared the question before the Senate to be the motion by Senator Walgren that the Secretary of the Senate be instructed to comply with the request of Governor Ray.

Senator Bailey demanded a roll call and the demand was sustained by Senators Lewis, Herr, Washington, Walgren, Ridder, Matson, Clarke and Donohue.

#### MOTION

Senator Lewis moved the question be divided so the members of the Senate could have an opportunity to vote on each individual appointee.

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I believe that you have in essence ruled upon that particular question when you gave your previous ruling."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "I would simply respond that the President's Ruling has in substance said that it is within the power of the Senate to consider the motion, however any other parliamentary motion such as a motion to divide, is proper at this time. The Senate may decide to or not to divide. That a matter that is still properly before the body regardless of the ruling as to whether it is mandatory to divide."

## MOTION

Senator Walgren moved the motion by Senator Lewis that the question be divided be laid upon the table.

There being no objection, the motion by Senator Lewis was withdrawn.

## REMARKS BY SENATOR GRANT

Senator Grant: "I will wait for your ruling, Mr. President, I would like to inquire of Senator Walgren with regard to a specific commission in questioning after you make your ruling on the point before you."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Lewis and other esteemed members of the Senate, the motion by Senator Walgren was to instruct the Secretary of the Senate to comply with the request of Governor Ray. The message from Governor Ray, 'Requests have been previously submitted to you for your confirmation by my predecessor, the Honorable Daniel J. Evans, a list of appointments. Exercising your discretion, you have not acted favorably upon the appointments and I have not asked for their confirmation. I therefore respectfully advise you that I am withdrawing all of their names.'

"The President believes that Senator Walgren's motion is all inclusive and cannot be divided in its present form."

## POINT OF INQUIRY

Senator Grant: "Will Senator Walgren yield? Senator Walgren, I think Senator Clark raised the question of the ability of certain boards and commissions, particularly boards of trustees and community colleges and other places to function in the absence of a quorum, a potential absence of a quorum, if we are to act on this particular motion. I should like to call to your attention on page four of the Public Employee Relations Commission and the three persons who were be appointed to that particular commission. It is three member commission. I have seen no indication that the Governor has any appointees for that commission to submit presently. I am concerned that unless that commission is functional, that unfair labor practice charges and appeals of those charges may languish, and they already have languished, because of the tremendous workload of the new commission, and I am quite concerned with regard to that particular commission, but I think there are other commissions and boards of trustees as well that should be given some consideration. I just wonder if you have any response to the overall question of the ability to function by the commissions that are stated first of all."

Senator Walgren: "Senator Grant, as you know, this is one of the concerns that I think all of us in this body have, that state government be able to continue to function, and as you have pointed out, there are some commissions, some college boards of trustees, that would be without a quorum if the Governor did not shortly send up some additional appointments. This has been discussed with the Governor

and the Governor's office. We were assured that those appointments will be forthcoming prior to any need for a meeting of those particular bodies."

Senator Grant: "May I inquire further then, Senator Walgren, in the event that we did not act on the Governor's request, act favorably on her request, would it still be possible for the Governor, at a future point in time to withdraw the names if—perhaps I am misunderstanding what Governor Cherberg said too in his Ruling. I am not really clear on this. If we do not act favorably with regard to her request, are these people confirmed?"

Senator Walgren: "No, they are not confirmed. If we do not act favorably on the motion that I made, these people would be able to continue until such other times in the future."

Senator Grant: "They would continue to function?"

Senator Walgren: "That is right."

Senator Grant: "And she could, at some time in the future withdraw those people because they have not been confirmed and submit new nominees?"

Senator Walgren: "I presume so, but I am not going to try to interpret at this point a future ruling of Lieutenant Governor Cherberg."

#### PARLIAMENTARY INQUIRY

Senator Benitz: "Is the motion before the body subject to amendment?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Benitz, in reply to your question, the President believes that the motion before the body is subject to amendment."

#### MOTION

Senator Benitz moved adoption of the following amendment:  
On page 8, the second name, Socorro M. Rocha, delete from the list.

#### POINT OF ORDER

Senator Marsh: "Point of order, Mr. President, Senator Benitz has attempted to amend something that is not a motion before this body. The motion before this body is Senator Walgren's motion that the Secretary comply with the request of the Governor and return the appointments to the Governor, not something contained in the message of the Governor."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think, on the point of order, I think in effect though, you are now going back to divide the issue as a variation of this thing you determined a while ago, and I submit it is out of order that this is a division of the issue."

#### RULING BY THE PRESIDENT

President Cherberg: "The President believes that the remarks by Senator Bailey and Senator Marsh are well taken, Senator Benitz, and that your proposed amendment is really not a proper amendment to the motion before the body."

#### REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President, then as I understand it, this is a reversal of your Ruling a few minutes ago."



## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the ruling on the point raised by Senator Marsh was confirmation of the ruling given a few minutes ago."

## PERSONAL PRIVILEGE

Senator Benitz: "If I might speak just a word of personal privilege. As most of you know—"

## POINT OF ORDER

Senator Bailey: "On a point of order before he starts, I think he should be cautioned that personal privilege is only as it affects him personally and not some nominee or name appearing before us in this list."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Bailey's remarks are correct, Senator Benitz."

## PERSONAL PRIVILEGE

Senator Benitz: "Thank you, I will reserve my time for a minute later."

## PERSONAL PRIVILEGE

Senator Benitz: "Yes, on the motion that is before us, as most of you know, I am a layman, not an attorney, and I feel that I am doing my best to represent my people at home, and I think that what we are doing here is really hurting government all over the state of Washington. We do not have to get specific about it, we know that many people have worked hard and almost volunteering their time and effort and services. They do not understand what the Senate is doing here. It is very nearly impossible for them to understand. I think we are doing a tremendous discredit to the citizens we try to get involved in the government of the state of Washington by passing this act, therefore I am very much opposed to the motion."

The President declared the question before the Senate to be the motion by Senator Walgren that the Secretary of the Senate be instructed to comply with the request of Governor Ray to return all previous Gubernatorial Appointments made by Governor Evans still pending before the Senate.

## ROLL CALL

The Secretary called the roll and the motion by Senator Walgren carried by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Excused: Senators Francis, Guess—2.

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I should like to request, Mr. President, that the Secretary would reduce the points of order and the President's Rulings to writing for the body. I don't think it is necessary to extend that to the remarks of the others except it may

well even be wise to do that in view of possible court action, and that would be in the record in any event."

### REPLY BY THE PRESIDENT

President Cherberg: "The Secretary has advised the President that he intends to transcribe the entire proceedings, and will provide copies to the members and to the press."

### STATEMENT FOR THE JOURNAL

January 21, 1977.

TO: Sid Snyder — Secretary of the Senate

FROM: Senator George Clarke

RE: Statement for Senate Journal: Responding to Senator Woody's Question — "Senator Clarke, you have made reference to constitutional rights, statutes and case law relating to an appointee's rights and a governor's right to withdraw appointments. Could you supply us with cites?" (Paraphrased)

In prefacing my remarks it should be stated for the record it is my contention that the governor (past, present or future) does not have the constitutional or legal right to withdraw appointments after such appointments are presented to the Senate for confirmation or rejection. Specifically enumerated, the following points should be noted:

- (1) The Senate has no constitutional or statutory right or power to dispose of gubernatorial appointments which require confirmation by the Senate other than to take a roll call vote upon each appointment separately with respect to confirmation or rejection.
- (2) That each such appointee, through established practice, has a constitutional and statutory right when appointed by the governor to continue to hold office for the term appointed unless his confirmation is affirmatively rejected by a roll call vote of the Senate or in the event of removal upon statutory grounds.
- (3) That when the governor makes an appointment which is subject to confirmation by the Senate and sends such appointment to the Senate for confirmation, each senator has a constitutional and legal right and duty to cast an individual and separate roll call vote for the confirmation or rejection by the Senate of each such appointee.
- (4) That once a governor has made an appointment to an office which is subject to confirmation and has sent such appointment to the Senate for confirmation, the governor's function is completed and he or she has no further power over such appointment unless the Senate affirmatively acts to reject such appointment, whereupon a vacancy occurs, then the governor may make a new appointment.

Therefore, upon presentation of named appointees to the Senate for the confirmation process, the only action the Senate can constitutionally and legally take is to follow one of three alternatives — to wit: (1) Confirm, (2) Reject, or (3) Delay action, in which event the appointees function until rejection by the Senate.

The Constitution of the State of Washington, Article 13, Section 1, calls for the Senate to carry out its constitutional duty to confirm or reject the individual appointees. The constitutional provision in pertinent part reads as follows:

. . . the regents, trustees, or commissioners of all such institutions . . . shall be appointed by the Governor, by and with the advice and consent

of the Senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.

Further, the rules of the Senate have in the past provided for an orderly manner of handling gubernatorial appointments: Senate Rule 68, 1975-77 session reads in pertinent part as follows:

#### CONFIRMATION OF GUBERNATORIAL APPOINTEES

...

When the Committee on Rules presents the report of the standing committee before the Senate, the question shall be the confirmation of the name proposed and the roll shall then be called and yeas and nays entered upon the journal. (Article 13, State Constitution).

This rule has been with us for decades and presupposes an orderly manner in the handling of confirmation of gubernatorial appointees. That is, that each named appointee will be voted upon individually. Also, some 120 statutes set the pattern for appointments to various boards and commissions. Nowhere will you find authorization for withdrawal of any appointment — only reference to the Senate's power of confirmation and the method of removal are addressed. As examples: RCW 14.04-.030 relating to the State Aeronautics Commission reads in pertinent part as follows:

There is hereby created the Washington State Aeronautics Commission to consist of one member from each congressional district who shall be appointed by the Governor by and with the advice and consent of the Senate . . .

The members of the commission may be removed by the governor for inefficiency, neglect of duty or malfeasance in office in the manner provided by law for the removal of other public officials for like cause.

28B.10.500 relating to regents and trustees of state universities and state colleges reads in pertinent part as follows:

No regent of state universities or trustees of state colleges shall be removed during the term of office for which appointed excepting only for misconduct or malfeasance in office and then only in the manner hereinafter provided.

82.03.020 and 82.03.040 relating to the Board of Tax Appeals read in pertinent part as follows:

82.03.020 — The Board of Tax Appeals, . . . shall consist of three members . . . appointed by the governor with the advice and consent of the Senate. . .

82.03.040 — Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

These are but three examples among the more than 120 such statutes which enumerate the appointment and removal power of the governor. These statutory enactments presuppose an orderly fashion in the handling of the removal of appointed officials. Article 5, Section 3 of the Washington State Constitution states:

All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office in such manner as may be provided by law.

RCW 43.06.070 through 43.06.090 are the general statutes which set the lawful method of removal of appointed officers. These sections of law are quite explicit as to cause and method for removal.

It is abundantly clear from an examination of these prementioned statutes that the law has provided a means for removal of a person serving in appointed positions. Nowhere in law — constitutional, statutory or otherwise — does it refer to the power of a governor to withdraw the names of persons who have been previously appointed to such positions.

The State of Washington has no case law precedent regarding the ability of a governor to withdraw appointments after such appointments are presented to the Senate for confirmation. Research reveals that there are a limited number of foreign jurisdiction cases on point. The lead case is Barrett v. Duff, 114 Kan. 220, 217 Pac. 918 (1923). In this case the Kansas Supreme Court held that after an appointment had been made, neither the governor or a successor governor has any further control over the appointee until rejected by the Senate. In so doing, the court stated:

"Where the power of a governor has been exercised by the appointment to an office and the appointee has qualified and been vested with the powers and prerogatives of the office neither the governor nor the successor has any further control over the appointment unless and until the appointee has been rejected by the Senate."

Further, the court stated:

"Where the term of an office is fixed by statute, the power of removal does not exist in the executive except so far as provided by statute. . . . When the appointee to an office, the tenure which is declared by law, is commissioned by the governor, invested with the power and prerogatives of the office, neither that governor nor his successor can revoke the appointment."

In another Kansas case decided in the same year, State ex. rel. Griffith v. Matassarini, 114 Kansas 244, 217 Pac. 930 (1923) the Supreme Court held that the governor was without power to revoke appointments to the State Board of Health made during recess because they had not been acted upon by the Senate. In so doing, the court stated:

"Making appointments to the State Board of Health, it is the duty of the governor to transmit such appointments to the Senate for its action thereon, and, if such appointments are made during a recess in the Legislature, it is the duty to transmit such appointments to the Senate the first session after the appointments are made; and, where the governor reappoints and commissions the members of a board for full terms during a recess of the Senate, such appointments are not transmitted to or acted upon by the Senate between sessions, the offices do not become vacant by such an action, and the governor is without power to revoke their appointments by reason thereof."

In another Kansas case, Leek v. Theis, 214 Kansas 784, 539 P. 2nd 304 (1975) the court held the power of a governor to make a valid appointment to an office or position of membership on an agency created by the Legislature does not arise until there is a vacancy in fact. Further, the only power which the governor has to make an official appointment is that conferred upon him by specific constitutional or statutory provisions.

In citing the prior cases of Barrett v. Duff and Matassarin, the court stated:

" . . . that the appointment of the members, although not acted on by the Senate, and which have never been rejected by that body, entitles them to hold their offices until the end of their terms, or until the appointments are considered and rejected by the Senate."

The principle of allowing an appointing executive or his predecessor to recall or withdraw appointments is covered in a similar manner in the following cases: McChesney v. Sampson, 232 Kan. 395, 23 S.W. 2nd 584 (19 ); State ex. rel. Todd v. Essling, 268 Minn. 151 128 N.W. 2nd 307 (1964); State ex. rel. Johnson v. Hagemester, 161 Neb. 475, 73 N.W. 2nd 625 (19 ); State ex. rel. Reynolds v. Smith, 22 Wis. 2nd 516, 126 N.W. 2nd 215 (19 ); Thorne v. Squier, 264 Mich. 98, 249 N.W. 497 (19 ); Burke v. Schmidt, So. Dak., 191 N.W. 2nd 281 (1971); McBride v. Osborn, 59 Ariz. 321, 127 P.2nd 134 (1942). (See, also, the annotation in 89 A.L.R. at 132, 139).

The Arizona Supreme Court in McBride v. Osborne stated what I believe to be the law in a situation with which we are faced today. The court in their holding stated:

"The governor cancelled the appointment of petitioner and withdrew his name from the Senate upon the theory that he had the right to do so anytime before action by that body, while the petitioner's position is that by appointing him and submitting his name to the Senate for confirmation, the governor exhausted his power in that respect and could do nothing more concerning it unless and until it was rejected by that body. Several decisions are cited by petitioner in support of this proposition. An examination of these authorities, however, and others of the same tenor, discloses that the appointment in each case had the effect of vesting the appointee with the office, and it is clear that to have held the governor, or any other appointing power, could cancel an appointment and withdraw the name of an appointee from the consideration of the Senate, would have given the governor, or other appointing power, a right to remove from office when that right did not exist under the law, except after hearing and for cause. If appointment by the governor had had the effect of placing petitioner in the office . . . and authorizing him to perform its functions, there could be no question but that the proposition that the governor had exhausted his power in making the appointment and could not withdraw it would apply . . . (Emphasis added.)"

Members of the Senate, this is the very situation we are facing today. The named appointees on the list which is attached to the Governor's message, have been and are at this time functioning in the appointed positions. Further, many of these individuals have been serving two to four years.

As to the historical precedence cited by Senator Marsh, we, of course, must recognize past practice and the proposition for which such precedence stands. The meager record we have as to the 1897 session indicates that the three individual names were withdrawn on the same day the appointments were made. In 1905, it appears the Senate had returned the appointments to the governor before he asked to withdraw the names from further consideration. In 1957 and 1965, the examples cited were

limited in their scope and presented on the final day of the legislative session, making the motivation for such inappropriate handling somewhat more understandable.

In any event, such prior actions, where patently wanting in constitutional or statutory authority, should not set the pattern for further undesirable activity. Four wrongs do not make a right.

It is clear from an examination of the Constitution, statutory enactments and the case law cited, that the act of a governor, past or present, in making an appointment to a board or commission, the subject of which calls for Senate action, is final and exhausts the power of the governor's office in that regard, unless or until the appointments are rejected by the Senate, and that therefore, the persons appointed by a governor, do in fact serve and are entitled to the office and, specifically, the power of the governor having been exercised, there is no further gubernatorial control over the respective offices unless or until the appointees have been rejected by the Senate or unless or until a cause for removal exists.

To allow a governor to withdraw the names of appointees who have been serving in appointed positions would in effect allow a governor to do by implication that which cannot be done in law. The only lawful means of removing an appointee by a governor is that proscribed by statutory enactments as dictated by Article 5, Section 3 of the Washington State Constitution.

Members of the Senate, and in particular Senator Woody, I trust that this answers your questions.

Signed by: Senator George Clarke.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, 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 1:40 p.m.

#### MOTIONS

On motion of Senator Odegaard, Senator McDermott was excused.

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

#### MESSAGES FROM THE GOVERNOR

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Merrily Knutsen, appointed January 20, 1977, for a term ending April 3, 1978, succeeding Robert B. Thompson as a member of the Board of Trustees for Centralia Community College, District No. 12.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Larry Finneman, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Margaret Strachan as a member of the Board of Trustees for Olympic Community College, District No. 3.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Carolyn Powers, appointed January 20, 1977, for a term ending April 3, 1979, succeeding Henry P. Sandstrom as a member of the Board of Trustees for Olympic Community College, District No. 3.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Frederick B. Rosmund, appointed January 20, 1977, for a term ending April 3, 1981, succeeding himself as a member of the Board of Trustees for Peninsula Community College, District No. 1.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Jim Shipman, appointed January 20, 1977, for a term ending April 3, 1978, succeeding George Williams as a member of the Board of Trustees for Everett Community College, District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Margaret Hays, appointed January 20, 1977, for a term ending April 3, 1979, succeeding Raymond J. Gould as a member of the Board of Trustees for Everett Community College, District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

George Hieber, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Claudette R. Cody as a member of the Board of Trustees for Everett Community College, District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

J. Grahame Bell, appointed January 20, 1977, for a term ending April 3, 1980, succeeding Theodore H. Muncaster as a member of the Board of Trustees for Everett Community College, District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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



Hugh Mathews, appointed January 20, 1977, for a term ending April 3, 1981, succeeding himself as a member of the Board of Trustees for Green River Community College, District No. 10.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Kenneth A. Farland, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Herbert C. Urie as a member of the Board of Trustees for Lower Columbia Community College, District No. 13.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Lawrence W. Weinstein, appointed January 20, 1977, for a term ending April 3, 1981, succeeding himself as a member of the Board of Trustees for Grays Harbor Community College, District No. 2.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Mary Henrie, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Marilyn Wilson as a member of the Board of Trustees for Wenatchee Community College, District No. 15.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Sally Starke, appointed January 20, 1977, for a term ending April 3, 1980, succeeding Daniel C. Smith as a member of the Board of Trustees for Tacoma Community College, District No. 22.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Bob Partlow, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Mrs. John Bay as a member of the Board of Trustees for Whatcom Community College, District No. 21.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Orin Smith, appointed January 12, 1977, serving at the pleasure of the Governor, as Director of the Department of Program Planning and Fiscal Management.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Linda Clifton, appointed January 20, 1977, for a term ending March 1, 1982, succeeding Dr. Eugene Brain as a member of the Board of Trustees for Central Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Bruce McPhaden, appointed January 20, 1977, for a term ending March 1, 1982, succeeding Morris Shore as a member of the Board of Trustees for Eastern Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Beverly A. Schoenfeld, appointed January 20, 1977, for a term ending April 3, 1977, succeeding Helen Smith as a member of the Board of Trustees for Green River Community College, District No. 10.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Eloise Alvarez, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Elma Galbraith as a member of the Board of Trustees for Big Bend Community College, District No. 18.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

David T. Moody, appointed January 20, 1977, for a term ending April 3, 1977, succeeding John E. Jones as a member of the Board of Trustees for Big Bend Community College, District No. 18.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 LADIES AND GENTLEMEN:

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

Tom Galbraith, appointed January 20, 1977, for a term ending March 11, 1982, succeeding Phillip Caron as a member of the Board of Trustees for Central Washington State College.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 LADIES AND GENTLEMEN:

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

F. George Warren, appointed January 20, 1977, for a term ending April 3, 1981, succeeding himself as a member of the Board of Trustees for Centralia Community College, District No. 12.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 LADIES AND GENTLEMEN:

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

Ernest W. Conrad, appointed January 20, 1977, for a term ending April 3, 1978, succeeding Mrs. Jonnie Foster as a member of the Board of Trustees for Olympic Community College, District No. 3.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 LADIES AND GENTLEMEN:

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

Jack Schuster, appointed January 20, 1977, for a term ending April 3, 1980, succeeding Gordon Lein as a member of the Board of Trustees for Skagit Valley College, District No. 4.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Mildred Jaynes, appointed January 20, 1977, for a term ending April 3, 1981, succeeding Lawanna Lee as a member of the Board of Trustees for Tacoma Community College, District No. 22.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Glenn E. Correa, appointed January 20, 1977, for a term ending March 1, 1977, succeeding J. Joy Williams as a member of the Board of Tax Appeals.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Joan Thomas, appointed January 20, 1977, for a term ending March 1, 1981, succeeding herself as a member of the Board of Tax Appeals.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, January 20, 1977.

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

LADIES AND GENTLEMEN:

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

Dr. Robert Fernald, appointed January 20, 1977, for a term ending March 16, 1982, succeeding Robert W. Winston, Jr., as a member of the Board of Trustees for Western Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Jerrold W. Manley, appointed January 20, 1977, for a term ending March 8, 1977, succeeding Patrick C. Comfort as a member of the Board of Trustees for Western Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Mary Hersey, appointed January 20, 1977, for a term ending April 3, 1978, succeeding Charles D. Chapelle as a member of the Board of Trustees for Yakima Valley Community College, District No. 16.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 20, 1977.

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

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

Mel Sampson, appointed January 20, 1977, for a term ending April 3, 1981, succeeding William L. Halpin as a member of the Board of Trustees for Yakima Valley Community College, District No. 16.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2220, by Senators Day, Francis, Woody, Van Hollebeke, Grant and Herr:

AN ACT Relating to denturism; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2221, by Senators Francis, Clarke and Van Hollebeke:

AN ACT Relating to superior courts; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061.

Referred to Judiciary Committee.

SENATE BILL NO. 2222, by Senators Francis, Clarke, Bottiger, Van Hollebeke, Woody and Hayner:

AN ACT Relating to the court of appeals; amending section 2, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.020; amending section 1, chapter 114, Laws of 1973 and RCW 2.06.150; and adding a new section to chapter 2.06 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2223, by Senators McDermott, Gould and Washington (by State Board of Education request):

AN ACT Relating to the state board of education; and amending section 28A-.04.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.04.110.

Referred to Committee on Education.

SENATE BILL NO. 2224, by Senators Lewis, Wojahn, Pullen, Odegaard, Beck and Hayner:

AN ACT Relating to motor vehicles; amending section 1, chapter ... (HB...), Laws of 1977 and RCW 46.16.210; amending section 2, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.021; amending section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031; adding a new section to chapter 46.20 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

### MOTION

On motion of Senator Lewis, Senators Beck and Hayner were permitted as additional sponsors to Senate Bill No. 2224.

SENATE BILL NO. 2225, by Senator Donohue:

AN ACT Relating to Washington State University; amending section 1, chapter 109, Laws of 1974 ex. sess. as amended by section 1, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.600; amending section 5, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.608; amending section 8, chapter 109, Laws of 1974 ex. sess. as amended by section 5, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.614; adding a new section to chapter 109, Laws of 1974 ex. sess. and to chapter 28B.30 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2226, by Senators Ridder, Bottiger and Grant:

AN ACT Relating to unemployment compensation; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2227, by Senators Ridder, Bailey and Bottiger:

AN ACT Relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355; 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; amending section 74, chapter

35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; establishing effective dates; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2228, by Senators Pullen and Clarke (by State Parks and Recreation Commission request):

AN ACT Relating to winter recreational parking; amending section 6, chapter 209, Laws of 1975 1st ex. sess. and RCW 46.61.587; and prescribing a penalty.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2229, by Senator Beck:

AN ACT Relating to motor vehicles; and amending section 81.80.040, chapter 14, Laws of 1961 as amended by section 7, chapter 59, Laws of 1963 and RCW 81.80.040.

Referred to Committee on Transportation.

SENATE BILL NO. 2230, by Senators Marsh, Talley and Henry:

AN ACT Relating to the interlocal cooperation act; amending section 1, chapter 139, Laws of 1969 ex. sess. and RCW 39.34.085; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2231, by Senators Talley, Rasmussen and Benitz:

AN ACT Relating to retirement systems; amending section 18, chapter 209, Laws of 1969 ex. sess. as amended by section 13, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.190; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; and amending section 43.43.260, chapter 8, Laws of 1965 as last amended by section 3, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.260.

## POINT OF INQUIRY

Senator Donohue: "This particular bill referred to state government and I was wondering. The way I read the title here it is a pension bill, and historically the pension bills have been referred to the ways and means committee where they have been addressed during the session, and Senator Walgren has indicated that this bill will be referred to the ways and means committee at a later date if I understand that correctly, Senator Walgren."

Senator Walgren: "Yes, I yield to the question of Senator Donohue. This is correct to your question. It is my belief that these measures, and there are a number of them from time to time that obviously involve money matters, and money matters have got to go to ways and means committee for final determination, but many of these bills will also involve the substantive programs, and I think it is appropriate that the subcommittee have an opportunity of looking at that program and making recommendations, and the bill then goes to ways and means committee for the determinations that you usually make at that time, Senator Donohue."

"I might say that, historically, I am not sure, I have not checked back historically. Certainly it is true with the last couple of sessions that this is where the bills went, and I think they may have had a special committee on pensions too, but as far as any other historical precedent, I can't answer that."



Senator Donohue: "Well, Senator Walgren, is it then your intention from the remark that you made, that all pension legislation will be referred to the state government committee?"

Senator Walgren: "I think that the pension legislation that involves a substantive issue of the program as opposed to simply a money matter. If it is simply a money proposition, then it should go directly to ways and means if there is no determination that would have to be made by another committee."

Senator Donohue: "Well, are you telling me that substantive change in a pension bill will not necessarily, in some way, have a money problem, or what are you saying?"

Senator Walgren: "No, I am saying that anything that might involve a change, you could make a change if it involved an effect upon the budget, or if it affects any of the money matters of the state. That is perfectly appropriate and should be done by your committee, and any bill that is going to do that should eventually get to you."

Senator Donohue: "I would think that in this particular instance, and not having read the bill, but in this particular instance that military service credits will undoubtedly affect a funding measure, and I am concerned about—. Maybe I should check with Senator Rasmussen and see for sure that these bills that go to state government, that concern pensions, do in fact, come to the ways and means committee. I think that the precedent, and I heard you this morning, Senator, talk about precedent, and in the other discussion we had before lunch. Consequently, I think that the precedent would indicate that pension matters involving money and which, of course, involve the budget would necessarily come to the ways and means committee. So, maybe I would—."

Senator Walgren: "I thought I made that clear, Senator. If I didn't, I should, that those bills that do have money considerations even though they have some other substantive parts to be looked at by another committee, have got to go to ways and means. They will be referred to ways and means. This particular bill, and others, I would tell you that when Senator Rasmussen is through working on them, will be sent to ways and means."

#### POINT OF INQUIRY

Senator Donohue: "Will Senator Rasmussen yield?"

Senator Rasmussen: "Mr. President, I hate to get in the middle on this, but I will yield."

Senator Donohue: "Senator, I know that knowing you, that Senator Walgren cannot speak for you as the chairman of the state government committee. Consequently, I would like to hear you say one way or the other whether or not these matters pertaining to pension would be referred, after your deliberations, your considered deliberations, to the ways and means committee."

Senator Rasmussen: "I am sure that if they require an appropriation of money, significant amounts, that you would request it and that we would comply with your wishes."

Senator Donohue: "Yes, Senator, what about a bill that might be referred to your committee which involved a complete change in the pension system that involves money or new money?"

Senator Rasmussen: "That would entail a lot of work of the state government committee, and we probably would not get that done this session, if it made a complete change in the pension system."

"But we will, if there is a major fiscal impact, we will follow the procedure we have always followed with the chairman of the ways and means committee who does an excellent job, and he will be advised of it and whether or not he would like to have it in his committee. Sometimes there are minor bills, if you will remember you

have said that have no major fiscal impact and ways and means committee is cluttered with bills at the present time and a lot of them are dead or dying, and you just don't want to be overburdened—."

Senator Donohue: "Some of them are dead before they are introduced, Senator."

Senator Rasmussen: "This is very true. Anyway, I assure you that we will comply with your wishes on major fiscal impact bills."

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "Many of the committee chairmen, and just this morning, came to me and, not many, but two of them at least, Senator Peterson and Senator Day, relative to two bills that are on the calendar before you. One of them is Senate Bill 2235 and the other one is 2242, and they assured me without having to ask them that these bills would be referred to the ways and means committee. One of those individuals said that if I wanted to, I could have it right now. But I am concerned about a precedent that might be set now in this session that some of us who want to do something in the area of pensions will maybe not have that opportunity, and this is a concern of not just myself, but it is a concern of many legislators on this floor. So I think that the proper thing would be to, first of all, ask whether or not, Senator Walgren, that when we talk about substantive changes if you think the Senate ways and means committee then, if these bills were referred to the Senate ways and means committee, could make substantive changes in issues relative to pensions and money."

#### REPLY BY SENATOR WALGREN

Senator Walgren: "Obviously, Senator Donohue, any bill that involves a change that is going to have an effect upon the budget, and I think that question you directed implies that it would have that kind of an effect upon the budget or a question of funding, is going to have to be looked at in your committee and you can make those appropriate requests and changes and refer it back down to the Senate for action."

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "I am not going to move at this time, but I reserve the right if, at a later date on similar matters, to make the motion that would be appropriate as it pertains to a bill such as this and the ways and means committee."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I did not quite complete the answer to Senator Donohue that he deserves because we do depend on Senator Donohue and his committee to run a tight budget for us, and it is my understanding after looking at the title of this bill, Senator Donohue, that this will not be an enlargement of the pension or a major change in any pension system. Now, how much merit the bill has, I don't know until we hold a hearing, but if it does have a fiscal impact you will be advised and then we can take appropriate action."

#### POINT OF INQUIRY

Senator Washington: "Would Senator Donohue yield? As I gather it, you are not taking the position, I think perhaps you moved somewhat from your original statement. But I want to clarify it. Many times we have legislation that will have a financial impact. There is no appropriation connected with it. It is my feeling that

should go to the committee and then since it has no appropriation, then the ways and means committee will decide whether it will fund it and to what extent. Isn't that correct?"

Senator Donohue: "Senator, I have indicated before our caucus many times, and I think you have heard me do this, that I thought that the appropriate committee should be concerned with the substantive legislation portion of it, but if it did concern money, then it must for our deliberations come to the ways and means committee. I have no objection to that, and I have indicated to Senator Day especially, and with Senator McDermott, and to Senator Sandison, where most of the money is as far as the appropriation bill is concerned, that we would work closely together, especially this session, and making a great effort to do so.

"I think maybe I got off the subject a little bit, but in response to your question I am concerned about pension bills because they have come to the ways and means committee immediately and have been referred there. In fact, I was thinking about putting in a pension bill myself, and I would hope that that bill would go to ways and means for our deliberation, and I guess we will cross that bridge when we come to it. Maybe next week or the week after."

Senator Washington: "Mr. President, I just wanted to make the comment. I think we are on this subject that when we do have a bill that does not have a financial impact written into it except as it may come about in, say, the supplemental appropriation method. Now, many times we have passed bills here on the floor which require a new activity by government. The substantive committee says, 'We want to adopt it,' and most times it has been voted on on the floor and we have adopted it, then we come before the appropriations committee for a supplemental appropriation and, at that point, the decision is made to the extent that it is going to be financed, and I think we should be able to continue with that method of operation."

#### MOTION

Senator Mardesich moved that Senate Bill No. 2231 be referred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Walgren yield to a question? Senator Walgren, my only concern is that if we follow logic we would send any slight revision in teachers pensions to education, any slight revision in firemen's pension to local government, any slight revision in state pensions to state government, and all of these bills then, we end up with the leap frog that got us where we are now."

Senator Walgren: "Not if the bill has to go to the ways and means committee for a determination as to the fiscal impact, they won't go, because I am sure Senator Donohue in his judgment and the judgment of his committee is not going to let a bill like that be passed into law. I think the only thing we have is the recommendation that comes out of the substantive committee."

Senator Bottiger: "Another question, then. If the ways and means committee cannot make a substantive amendment, they can only consider the fiscal impact, isn't that how we got into this spot we are in?"

Senator Walgren: "I think if you are talking about a substantive question about a program itself, particularly one involving pensions, almost anything that is done with regard to pensions has a fiscal impact that can be addressed by the ways and means committee. You take some of these other bills that are under our consideration, that might be referred to education, might be referred to social and health

services, the substantive program may or may not have a fiscal impact, and that particular program should not be changed by ways and means if it does not."

Debate ensued.

### POINT OF INQUIRY

Senator Washington: "Senator Walgren, would you yield? I was about to go along with your suggestion that the bill go to state government, but I am concerned with the points that Senator Bottiger raised that certainly if it is a pension bill, it has to be subject also to substantive amendment when it gets to the ways and means committee. If it is clear that the ways and means committee can make the necessary substantive amendments I would support the motion that it first go to state government."

Senator Walgren: "Obviously in a pension bill the fact is that the entire bill is going to involve substantive money measures, and it would appear to me that the ways and means committee would have to be able to make those kinds of substantive changes. What I suspect might come out of the state government committee would be a recommendation that this is a good program, maybe we should put it in, or it isn't a good program. It goes to the ways and means committee and the determination there is that it is going to cost substantially more money than it is worth putting it into effect, so it is not going to go any place. That would be the same thing with regard to these other bills, for instance, the social and health services facilities bond issue and the capital projects bond issue for fisheries. We send them to natural resources or to social and health services. They have a hearing, make a determination as to whether it is a good program. The bills will then have to go to ways and means committee to see how it fits in with the budget."

The motion by Senator Mardesich carried. Senate Bill No. 2231 was referred to the Committee on Ways and Means on a rising vote.

### MOTION

On motion of Senator Day, Senate Bill No. 2232 was ordered held for introduction on Monday, January 24, 1977.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2233, by Senators Woody, Henry, Sandison and Peterson:

AN ACT Relating to the department of game; creating the state game commission to administer the game and game fish resources of the state; defining the powers and duties of the commission; providing for certain duties and powers of the commission and the director of game; adding a new chapter to Title 77 RCW; repealing section 77.04.010, chapter 36, Laws of 1955 and RCW 77.04.010; repealing section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020; repealing section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030; repealing section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040; repealing section 77.04.050, chapter 36, Laws of 1955 and RCW 77.04.050; repealing section 77.04.060, chapter 36, Laws of 1955, section 1, chapter 352, Laws of 1955, section 9, chapter 307, Laws of 1961, section 175, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 77.04.060; repealing section 77.04.080, chapter 36, Laws of 1955 and RCW 77.04.080; prescribing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2234, by Senators Woody, Scott, McDermott and Fleming:

AN ACT Relating to counties; amending section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2235, by Senators Day, McDermott and Buffington (by Office of Program Planning and Fiscal Management Request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2236, by Senators Day, Jones, von Reichbauer, Gould, Buffington, Ridder and Herr:

AN ACT Relating to public assistance; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300; and amending section 1, chapter 34, Laws of 1965 ex. sess. and RCW 74.08.331.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2237, by Senators Talley, Gaspard and Donohue:

AN ACT Relating to Indian artifacts; creating a new section; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2238, by Senator Day:

AN ACT Relating to pharmacy; adding new sections to Title 19 RCW; and prescribing a penalty.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2239, by Senators Day, Ridder and Buffington:

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

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2240, by Senators Rasmussen and Newschwander:

AN ACT Relating to public employment; amending section 1, chapter 208, Laws of 1957 and RCW 41.04.035; and amending section 2, chapter 208, Laws of 1957 as amended by section 16, chapter 106, Laws of 1973 and RCW 41.04.036.

Referred to Committee on State Government.

SENATE BILL NO. 2241, by Senators Day, von Reichbauer and Herr:

AN ACT Relating to interference with physician/patient relationships; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2242, by Senators Peterson, Newschwander and Odegaard (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

## MOTION

On motion of Senator Peterson, Senator Odegaard was permitted as an additional sponsor to Senate Bill No. 2242.

SENATE CONCURRENT RESOLUTION NO. 104, by Senators Talley, Marsh and Peterson:

Petitioning for the formation of a tri-state legislative fisheries committee for Washington, Oregon and Idaho.

Referred to Committee on Natural Resources.

There being no objection, additional sponsors were permitted on Senate Bills 2220, 2222, 2224, 2233, 2234, 2236.

## MOTIONS

On motion of Senator Woody, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 2224.

On motion of Senator Woody, Senate Bill No. 2224 was referred to the Committee on Transportation.

## SECOND READING

SENATE BILL NO. 2056, by Senators Donohue, Odegaard and McDermott (by Superintendent of Public Instruction request):

Implementing constitutional amendment permitting school district levies for two-year periods.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2056 was substituted for Senate Bill No. 2056 and the substitute bill was placed on second reading and read the second time in full.

Senator Gould moved adoption of the following amendment:

On page 1, line 20, strike "or fifty words" and insert "which may be exceeded" and after "district" strike "two year period"

Debate ensued.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2056, together with the pending amendment by Senator Gould, was ordered held on the second reading calendar for Monday, January 24, 1977.

## SECOND READING

SENATE BILL NO. 2088, by Senators Henry, Peterson and Guess:

Making supplemental appropriations for highways.

## REPORT OF STANDING COMMITTEE

January 19, 1977.

SENATE BILL NO. 2088, making supplemental appropriations for highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, after "of" and before "or" strike "\$4,000" and insert "\$6,400"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Peterson, Talley, von Reichbauer.

The bill was read the second time by sections.

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

Senator Henry moved adoption of the following amendment:

On page 2, beginning on line 19, after "biennia" strike all the matter down through "1976" on line 24, and insert "~~((PROVIDED FURTHER, That the Washington state highway commission shall conduct a feasibility study of an appropriate overhead charge for reimbursable activities and shall report such study findings and recommendations to the house and senate transportation and utilities committees by January 15, 1976))~~"

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Henry respond? On Line 19, Page 2, it says, 'constitute a loan which may be repaid.' Do we mean may be or do we mean shall be. What if they don't want to, if the language says may?"

Senator Henry: "There is a contract involved, Senator. They have to pay it."

Senator Mardesich: "Then you would have no objections to changing that to shall."

Senator Henry: "Well, the thing is, you are saying in the 1975-77 biennium and it comes out of which may be repaid.' Do we mean may be or do we mean shall be. What if they don't want to, if the language says may?"

Senator Henry: "There is a contract involved, Senator. They have to pay it."

Senator Mardesich: "Then you would have no objections to changing that to shall."

Senator Henry: "Well, the thing is, you are saying in the 1975-77 biennium and it comes out of the gas tax fund so it may be repaid in 1975-77, but if it isn't, it could slop over into the next biennium, but it will still come out of the local gas tax funds attributable to Kennewick and Pasco and those two counties."

Senator Mardesich: "There is no doubt in your mind that it is still a mandatory repayment?"

Senator Henry: "No doubt, at all."

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

#### MOTIONS

On motion of Senator Odegaard, Senator Grant was excused.

On motion of Senator Henry, Engrossed Senate Bill No. 2088 was advanced to third reading, the second 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. 2088, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Scott—1.

Excused: Senators Francis, Grant, Guess, Hayner, Matson, McDermott—6.

ENGROSSED SENATE BILL NO. 2088, having received the constitutional 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 2:32 p.m., on motion of Senator Walgren, the Senate adjourned until 12:00 noon, Monday, January 24, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTEENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Monday, January 24, 1977.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Fleming, Ridder and Scott. On motion of Senator Odegaard, Senators Bausch, Fleming and Ridder were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Matt Griffin and Marie Nesseth, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"OUR FATHER, AT THE BEGINNING OF ANOTHER WEEK HERE IN THE SENATE, WE PAUSE FOR THESE FEW SACRED MOMENTS, TO THANK YOU FOR DEMONSTRATING THAT LIFE IS DISCOVERED IN GIVING IT TO OTHERS. THANK YOU FOR REACHING OUT TO US. YOU HAVE LOVED US, SO GIVE US THE COURAGE TO LOVE ONE WHO NEEDS OUR LOVE. YOU HAVE FORGIVEN US, SO FREE US TO SPEAK A WORD OF FORGIVENESS TO ONE WHO NEEDS OUR FORGIVENESS. YOU HAVE EASED OUR BURDEN, SO GRANT US THE STRENGTH TO EASE THE BURDEN OF ONE WHO NEEDS OUR STRENGTH. YOU HAVE ENCOURAGED US, SO HELP US TO SPEAK THAT SAME WORD OF ENCOURAGEMENT TO ONE WHO NEEDS TO HEAR OUR ENCOURAGEMENT. THEN, O LORD, MAY WE REST TONIGHT IN THE JOY OF KNOWING, THAT AT LEAST FOR TODAY, WE HAVE LABORED TOGETHER. 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

January 21, 1977.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 169, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 21, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 196, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 21, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 103, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2232, by Senators Mardesich, von Reichbauer, Grant, Murray, Herr, Matson, Day, Odegaard, Fleming and Hayner:

AN ACT Relating to education; providing for educational clinics; providing for state aid for students enrolled in certain of such clinics; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

## POINT OF INQUIRY

Senator Day: "Mr. President, would Senator McDermott yield to a question? Senator McDermott, although this bill addresses itself to education, these are specifically educational clinics for people who have not done well in the system, and as such, need the special circumstances of some other effort at education, specifically adjudicated delinquents, students that have dropped out and in no way have made it in the educational system, and what I want to know is if the educational committee will give this a prompt hearing and we can expect it to come back to rules."

Senator McDermott: "We are going to deal with basic education first, and right after that I will be getting to bills like this, and I think this is an important bill. I think educational accountability is an issue that has to be dealt with and this is one way to look at it."

Senator Day: "Further, does that mean that no other bill of a minor situation such as this will be heard until after the big issue is resolved or heard?"

Senator McDermott: "Heard, not resolved."

Senator Day: "In other words, we can expect an early—"

Senator McDermott: "Sure, there will be hearings."

Senator Day: "O.K."

## MOTION

On motion of Senator Mardesich, Senator Hayner was permitted as an additional sponsor to Senate Bill No. 2232.

Senate Bill No. 2232 was referred to the Committee on Education.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2243, by Senators Rasmussen, Bausch and Newschwander:

AN ACT Relating to public employment; adding a new section to chapter 41.06 RCW; adding a new section to chapter 28B.16 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2244, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

AN ACT Relating to motor vehicles; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.041; amending section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 14, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70-.101; amending section 16, chapter 74, Laws of 1967 ex. sess. as last amended by

section 18, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.180; defining crimes; and prescribing penalties.

### MOTION

On motion of Senator Van Hollebeke, Senate Bill No. 2244 was referred to the Committee on Commerce.

**SENATE BILL NO. 2245**, by Senators McDermott, Walgren, Ridder, Buffington and Herr:

AN ACT Relating to education; amending section 5, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.455; 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 last amended by section 6, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.480; amending section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.490; amending section 18, chapter 34, Laws of 1969 ex. sess. as last amended by section 8, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.515; amending section 22, chapter 34, Laws of 1969 ex. sess. as last amended by section 3, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.065; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070; amending section 1, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.072; and creating a new section.

Referred to Committee on Education.

**SENATE BILL NO. 2246**, by Senators Day and Buffington:

AN ACT Relating to osteopathy; amending section 4, chapter 4, Laws of 1919 as amended by section 1, chapter 110, Laws of 1959 and RCW 18.57.020; amending section 6, chapter 4, Laws of 1919 as last amended by section 58, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.050; amending section 5, chapter 4, Laws of 1919 and RCW 18.57.080; amending section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085; amending section 17, chapter 4, Laws of 1919 as last amended by section 59, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.130; amending section 11, chapter 4, Laws of 1919 as amended by section 2, chapter 142, Laws of 1963 and RCW 18.57.170; amending section 7, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.010; adding new sections to chapter 18.57 RCW; repealing section 10, chapter 4, Laws of 1919 and RCW 18.57.180; repealing section 12, chapter 4, Laws of 1919 and RCW 18.57.240; and prescribing penalties.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2247**, by Senator Sellar:

AN ACT Relating to actions for health care injuries; adding a new chapter to Title 7 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2248**, by Senator Talley:

AN ACT Relating to food fish and shellfish; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 2, chapter ... (HB 174), Laws of 1977 and RCW 43.17.020; adding a new chapter to Title 75 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2249, by Senators Wanamaker, Day, Hayner, Wilson, Sellar, Morrison and North:

AN ACT Relating to taxation; amending section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; amending section 83.16.080, chapter 15, Laws of 1961 as amended by section 11, chapter 292, Laws of 1961 and RCW 83.16.080; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2250, by Senators McDermott, Bluechel and North:

AN ACT Relating to smoking; adding a new section to chapter 43.20 RCW; defining crimes; and providing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2251, by Senators Bottiger, Gaspard, Benitz, Morrison and Woody:

AN ACT Relating to minimum wages for seasonal employees at agricultural fairs; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130.

Referred to Committee on Labor.

#### MOTION

On motion of Senator Bottiger, Senators Morrison and Woody were permitted as additional sponsors to Senate Bill No. 2251.

SENATE BILL NO. 2252, by Senator Herr:

AN ACT Relating to the regulation of automotive repair dealers; adding a new chapter to Title 46 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2253, by Senator Beck:

AN ACT Relating to highway safety; amending section 4, chapter 25, Laws of 1965 as last amended by section 20, chapter 293, Laws 1975 1st ex. sess. and RCW 46.68.041; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 7, chapter 39, Laws of 1963 as amended by section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; amending section 1, chapter 39, Laws of 1963 as amended by section 7, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.900; amending section 1, chapter 199, Laws of 1969 ex. sess. as amended by section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; adding a new section to chapter 46.64 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2254, by Senator Hayner:

AN ACT Relating to reports of the state toxicologist; and amending section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065.

Referred to Judiciary Committee.

SENATE BILL NO. 2255, by Senators Woody and Clarke:

AN ACT Relating to mutual savings banks; and amending section 32.20.010, chapter 13, Laws of 1955 and RCW 32.20.010.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2256, by Senator Rasmussen:

AN ACT Relating to motor vehicles; and amending section 46.12.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1975 1st ex. sess. and RCW 46.12.040.

Referred to Committee on Transportation.

SENATE BILL NO. 2257, by Senators Clarke, Woody, Guess, von Reichbauer, Jones, Bluechel, Henry and Mardesich:

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; amending section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2258, by Senators Rasmussen, Newschwander and Bailey (by State Treasurer request):

AN ACT Relating to public funds; and adding a new section to chapter 39.58 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2259, by Senators Francis, McDermott, Goltz and Scott:

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 Commerce.

SENATE BILL NO. 2260, by Senators Woody and Clarke:

AN ACT Relating to banks and trust companies; adding new sections to Title 30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2261, by Senators Woody and Clarke:

AN ACT Relating to mutual savings banks; and amending section 32.04.060, chapter 13, Laws of 1955 and RCW 32.04.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2262, by Senators Woody and Clarke:

AN ACT Relating to banks and trust companies; amending section 30.08.190, chapter 33, Laws of 1955 and RCW 30.08.190; and prescribing a penalty.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2263, by Senators Van Hollebeke and Morrison (by Department of Motor Vehicles request):

AN ACT Relating to employment agencies; amending section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020; amending section 4, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.040; amending section 6, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.060; amending section 9, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.090; amending section 10, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.100; amending section 11, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.110; amending section 17, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.170; amending section 19, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.190; amending section 20, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.200; adding a new section to chapter 19.31 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2264, by Senators Gould and Benitz:

AN ACT Relating to minor political parties; amending section 29.24.010, chapter 9, laws of 1965 and RCW 29.24.010; amending section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; amending section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; amending section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; and amending section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060.

Referred to Committee on Constitution and Elections.

## MOTION

On motion of Senator Gould, Senator Benitz was permitted as an additional sponsor to Senate Bill No. 2264.

SENATE BILL NO. 2265, by Senators Woody and Clarke:

AN ACT Relating to banks and trust companies; amending section 30.12.040, chapter 33, Laws of 1955 and RCW 30.12.040; adding new sections to chapter 30.04 RCW; adding new sections to chapter 30.12 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2266, by Senators Marsh, Matson, Fleming, Buffington and Day:

AN ACT Relating to public library book aid support; adding a new chapter to Title 27 RCW; and making an appropriation.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2266 was referred to the Committee on Ways and Means.

SENATE BILL NO. 2267, by Senators Bausch, Ridder and Talley:

AN ACT Relating to travel expenses; and amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060.

Referred to Committee on State Government.

SENATE BILL NO. 2268, by Senators Bausch, Ridder and Talley:

AN ACT Relating to travel expenses; and amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050.

Referred to Committee on State Government.

SENATE BILL NO. 2269, by Senators McDermott, Murray and Gaspard (by State Board of Education request):

AN ACT Relating to qualifications for admission into common school pre-school, kindergarten and first grade programs; amending section 28A.35.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 105, Laws of 1972 ex. sess. and RCW 28A.35.010; amending section 28A.35.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.020; creating new sections; 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 JOINT RESOLUTION NO. 105, by Senators Grant, Bottiger and Clarke (by State Auditor request):

Amending the Constitution to allow audits of the judicial branch.

There being no objection, additional sponsors were permitted on Senate Bills 2232, 2245, 2257, 2259.

## MOTION

On motion of Senator Francis, Senate Joint Resolution No. 105 was referred to the Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 169, by Committee on Appropriations (Originally sponsored by: Representatives Shinpoch, Blair and McKibbin) (by Governor Evans request):

Adopting a supplemental budget.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 196, by Committee on Revenue (Originally sponsored by Representatives Bauer, Pardini, Clemente, Sommers, Lee, Polk, Fortson, Barnes, Erickson, Greengo, Heck, Knedlik, North, Sanders and Wilson (by Superintendent of Public Instruction request):

Implementing constitutional amendment permitting school district levies for two year periods.

Referred to Committee on Ways and Means.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2056, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and McDermott) (by Superintendent of Public Instruction request):

Implementing constitutional amendment permitting school district levies for two-year periods.

The Senate resumed consideration of Substitute Senate Bill No. 2056 on second reading. On January 21, 1977, an amendment to page 1, line 20 was moved for adoption by Senator Gould. There being no objection, the amendment was withdrawn.

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

On page 3, after "or" strike "fifty" and insert "seventy-five", and after "district" strike "two year period".

Senator Mardesich moved adoption of the following amendment:

On page 2, line 3, after "special" insert "or general".

On page 2, line 6, after "special" insert "or general".

## POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Mardesich yield? Senator Mardesich, what is the current law that we passed last session as relates to certain days that school levy elections could be held? Does that include the—"

Senator Mardesich: "I would take it that if they were held on those days they would have to be declared special elections, if they fall within those days."

Senator Bailey: "What I am getting at, I guess, is at that time we limited the number of days that special levy elections could be held for schools. Was the general election one of those days that we listed?"

Senator Mardesich: "It does not necessarily follow that we have to put it here, though, for the two-year levy."

Senator Bailey, "The point I am getting at is that we struggled very much on trying to limit the number of times special levies could be voted on, and are we opening that up again, or if they are in the original law, then I think it is probably a very good idea that we adopt your amendment."

## REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, if I may respond. General elections were included in the list of six days that levies could be held, and if I also may respond to

Senator Mardesich's concern, it does make it more clear to put the words, 'or general,' in there but school districts have up until now with the wording that is currently in the statutes had them on general election days, so I don't think it changes that practice, but it probably does make it more clear."

#### POINT OF INQUIRY

Senator Day: "Will Senator Mardesich yield? Would it be then also your intention, Senator, on Line 21 of Page 2 to insert that identical language? I refer to other special elections?"

Senator Mardesich: "I noted that, but it would appear to me not to be necessary in the case of schools so I did not do it. The other districts are not, I think, would not be necessary. I don't know."

On motion of Senator Mardesich, the following amendments were adopted:

On page 2, line 7, after "once" insert "an" and after "additional" strike "taxes have" and insert "levy has"

On page 2, line 9, after "additional" strike "taxes" and insert "levies".

#### POINT OF INQUIRY

Senator Washington: "Senator Mardesich, will you yield? How would that read, provided that once additional levy has been authorized—"

Senator Mardesich: "Levies, l,e,v,i,e,s have—"

Senator Washington: "Do you have more than one levy?"

Senator Mardesich: "Well, it is a levy for two years. Oh, you could change it to—"

Senator Washington: "It could be, 'once an additional levy has been authorized,' I think is the way it should be."

Senator Mardesich: "That is probably better language, Mr. President."

Senator Washington: "I think it should be 'that once an additional levy has been authorized'"

Senator Mardesich: "Once an additional levy has been? Did we vote on that, Mr. President?"

On motion of Senator Mardesich, the Senate moved to reconsider adoption of the amendments by Senator Mardesich to page 2, lines 7 and 9.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Mardesich yield? If this proviso is adopted, would you read this to mean that once the two year levy has been adopted that no further levies could be adopted during that period? That is clear in the bill, but what would happen to a building program or a building fund—"

Senator Washington: "That thought occurred to me, too, but wouldn't the same be true even the way it is drafted—"

Senator Mardesich: "—with respect to a building fund. That is a possibility too, but that would be true in any case."

Senator Bailey: "Senator, a building fund would be authorized—a building would be authorized, but a levy would be necessary to pay it off, and I was wondering if this is really not opening up a real bad situation unless they reword the whole section."

Senator Mardesich: "That thought occurred to me, but the the same fault would be true in the original language and he is probably right. That should be clarified."



**MOTION**

On motion of Senator Walgren, Substitute Senate Bill No. 2056, as amended, together with the pending amendment by Senator Mardesich, was ordered held for consideration on January 25, 1977.

**MOTION**

At 12:30 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 25, 1977.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

**SIXTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, January 25, 1977.

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

The Color Guard, consisting of Pages Teresa Martin and Joe Lombardini, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, THE NIGHT IS GONE: THE BEAUTY OF THE DAY SURROUNDS US, AND AGAIN WE ARE REMINDED OF THE GLORY AND MAJESTY OF YOUR CREATION. YOUR MYSTERIOUS GIFT OF LIFE FILLS OUR BEING AGAIN TODAY, AND WE ARE GRATEFUL. GRANT TO US, O LORD, EVEN IN THE MIDST OF ROUTINE COMMITTEE ASSIGNMENTS AND DAILY SESSIONS, A SENSE OF PARTNERSHIP WITH YOU. MAY WE EVER BE SENSITIVE TO GUARD EACH PERSON'S DIGNITY AND PROTECT THEIR PRIDE. GRANT TO US WISDOM BEYOND OURSELVES SUFFICIENT TO MEET THE RESPONSIBILITIES OF THIS DAY. IN THE NAME OF 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**

January 24, 1977.

SENATE BILL NO. 2008, revising authority of the state capitol committee (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

January 24, 1977.

SENATE BILL NO. 2013, providing for the establishment and operation of a state lottery (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

January 24, 1977.

SENATE BILL NO. 2029, abolishing the American revolution bicentennial commission of the State of Washington (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second Reading.

January 24, 1977.

SENATE BILL NO. 2055, disestablishing the anti-monopoly board (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

January 25, 1977.

SENATE BILL NO. 2074, allowing the hospital commission to employ a staff (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, McDermott, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1977.

SENATE BILL NO. 2091, providing staggered terms of office for hospital commissioners (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, McDermott, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1977.

SENATE BILL NO. 2119, establishing a procedure for review of administrative rules by an appropriate legislative committee (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2270, by Senators Sandison, Guess and Odegaard:

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. 2271, by Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management 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; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2272, by Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to Washington State University; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institution and the financing thereof by the issuance of bonds,

including bond anticipation notes; providing ways and means of payment of such bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2273, by Senators Sandison and Donohue:

AN ACT Relating to tuition and fees for students participating in joint programs conducted by two or more institutions of 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. 2274, by Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2275, by Senators Goltz and Sandison:

AN ACT Relating to institutions of higher education; amending section 28B-.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330; amending section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350; and creating a new section.

Referred to Committee on Higher Education.

SENATE BILL NO. 2276, by Senators Herr, von Reichbauer and Day:

AN ACT Relating to victims of hemophilia; adding a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2277, by Senators Donohue, Odegaard and Matson (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of such bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2278, by Senators North, Francis and Bluechel:

AN ACT Relating to elections; establishing a presidential preference primary; adding a new chapter to Title 29 RCW; amending section 29.18.010, chapter 9, Laws of 1965 and RCW 29.18.010; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; and 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.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2279, by Senators Benitz and Hayner:

AN ACT Relating to superior court judges; and amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064.

Referred to Judiciary Committee.

SENATE BILL NO. 2280, by Senator Pullen:

AN ACT Relating to state government; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2281, by Senator Beck:

AN ACT Relating to motor vehicle repair; adding a new chapter to Title 46 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 2282, by Senator Grant:

AN ACT Relating to state government; and amending section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2283, by Senators Ridder, Gould, Goltz, Day, McDermott and Murray:

AN ACT Relating to community college fees; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 2, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.520; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and repealing section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523.

Referred to Committee on Higher Education.

SENATE BILL NO. 2284, by Senators Odegaard and Donohue (by Department of Natural Resources request):

AN ACT Relating to state forest lands; amending section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76.12.072; and amending section 2, chapter 47, Laws of 1969 ex. sess. and RCW 76.12.073.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2285, by Senators Grant, Clarke and von Reichbauer:

AN ACT Relating to public records; amending section 26, chapter 1, Laws of 1973 as amended by section 14, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 as amended by section 15, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.270; amending section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310; and amending section 32, chapter 1, Laws of 1973 as amended by section 18, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.320.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2286, by Senators Odegaard and Francis:

AN ACT Relating to funerals; amending section 1, chapter 108, Laws of 1937 as amended by section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010; amending section 11, chapter 108, Laws of 1937 and RCW 18.39.180; and adding new sections to chapter 18.39 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2287, by Senator Grant:

AN ACT Relating to elections; providing for open primaries; amending section 29.18.200, chapter 9, Laws of 1965 and RCW 29.18.200; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.33.160, chapter 9, Laws of 1965 and RCW 29.33.160;

creating new sections; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.30 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2288, by Senators Talley, Bluechel and Fleming (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to censuses; amending section 36.13.030, chapter 4, Laws of 1963 and RCW 36.13.030; amending section 7, chapter 175, Laws of 1957 and RCW 66.08.200; amending section 8, chapter 175, Laws of 1957 and RCW 66.08-.210; amending section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110; amending section 35.04.070, chapter 7, Laws of 1965 and RCW 35.04.070; and amending section 36.13.020, chapter 4, Laws of 1963 and RCW 36.13.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2289, by Senator Grant:

AN ACT Relating to state government; and reenacting and amending section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Bailey, Rasmussen and Clarke:

Providing for review of the operations of the state actuary.

Referred to Committee on Rules.

There being no objection, additional sponsors were permitted on Senate Bill 2283.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2056, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and McDermott) (by Superintendent of Public Instruction request):

Implementing constitutional amendment permitting school district levies for two-year periods.

The Senate resumed consideration of Substitute Senate Bill No. 2056, as amended on January 24, 1977. On that day, Senator Mardesich proposed two amendments. On motion of Senator Walgren, the bill and amendments were ordered held for the second reading calendar on January 25, 1977.

There being no objection, the amendments by Senator Mardesich were withdrawn.

Senator Mardesich moved adoption of the following amendments:

On page 2, line 7, after the word "additional" strike "taxes" and insert "tax levies".

On page 2, line 9, after the word "additional" strike "taxes" and insert "tax levies".

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: The language as now proposed, of course, covers the question as to whether the issue is settled. The question of levy—a levy is not in itself a tax. Once we have passed a levy, then that authorizes the allocation of a tax or the imposition of a tax, and to be sure that it was covered, they suggested that we include both words, 'tax levy,' rather than the language as I proposed it the other day, and I do believe that that covers the problem.

"Senator Bottiger raised the question, what about buildings? I raised the same question the other day as to whether or not this would preclude on Line 8, Page 2, where it refers to 'authorized for the support of a school district'. The question was raised that support include or would that exclude the imposition of another special

levy for a capital construction project. There is a case, *Sheldon vs. Pierce*, back in 1897, that very explicitly says that the construction of a school does not fall within the definition of a current expense or a current operational expense, and on that basis they say that these words would not preclude the levy of another tax for the construction of a building."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we should have formally had me ask the question he gave the answer to appear in the Journal, and I will just move that the Journal reflect that I asked the question."

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

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute Senate Bill No. 2056 was advanced to third reading, the second 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. 2056, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Francis—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2056, having received the 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 Herr: "Mr. President, will Senator Bottiger yield? I was just kind of concerned. You are the chairman of utilities, correct?"

Senator Bottiger: "That is correct."

Senator Herr: "I have a bill in there. Is your committee going to put out an agenda of the bills to be heard?"

Senator Bottiger: "We had not specifically planned to put out an agenda or order of the bills to be heard. We are dealing with them by subject matter. You have presented to us a very fine bill, Senator Herr, dealing with oil spills and barrel taxes to pay for cleaning up oil spills. We are expanding your subject matter with your leave, sir, to include other kinds of contaminative energy sources, and we want to check a proper, fair funding for that kind of cost, including some insurance. When we are ready, sir, you will be the first to know when we are going to hear the bill."

Senator Herr: "Yes, but just for a little further explanation, will you have an agenda that all of us can know when these bills will be heard? You see, Senator Day and I serve on health and social services and we have decided to let the membership know a couple of weeks in advance how your scheduling will go, and I think it is a very fair way."

Senator Bottiger: "I think I have asked the staff to look at what Senator Day is doing, and we have an agenda out on our study sessions which are Tuesday and

Thursday, and we have a couple of them coming up, including a trip to Seattle, Saturday, to look at clean-up operations. If you would like to go on that, you are more than welcome."

Senator Herr: "Thank you very much, Senator."

#### MOTION

At 11:36 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 26, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## SEVENTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 26, 1977.

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 Fleming, Grant, Marsh and Matson. On motion of Senator Odegaard, Senators Fleming, Grant and Marsh were excused. On motion of Senator Jones, Senator Matson was excused.

The Color Guard, consisting of Pages Elizabeth Jacobs and Steven Basmajian, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ALMIGHTY GOD AND LOVING HEAVENLY FATHER, THE SACREDNESS OF ANOTHER MOMENT IN YOUR PRESENCE IS UPON US. FORGIVE US FOR THOSE TIMES IN WHICH OUR PREOCCUPATION WITH SELF OR OTHER MATTERS OF THE DAY HAVE CHEATED US OUT OF THESE SHORT BUT IMPORTANT MOMENTS OF RENEWAL. THANK YOU FOR THOSE WHO HAVE INVESTED THEIR CONFIDENCE AND TRUST IN OUR LEADERSHIP. EVER MINDFUL OF THE GREAT RESPONSIBILITY WE FACE, SET FREE WITHIN EACH OF US THAT UNSELFISH SPIRIT WITH WHICH TO CALL FORTH THE BEST THAT IS WITHIN EACH OF OUR COLLEAGUES. THEN, O LORD, GRANT TO US THAT SPECIAL INNER PEACE THAT COMES FROM KNOWING THAT WE NOT ONLY HAVE BEEN FAITHFUL TO OUR ELECTED TASK, BUT ALSO HAVE WORKED TOGETHER WITH YOU. 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, 1977.

SENATE BILL NO. 2024, establishing equipment rental funds in counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 25, 1977.

SENATE BILL NO. 2065, deleting obsolete provisions for county homesite lands (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2066, deleting obsolete requirements for guideposts (reported by Committee on Transportation):

Recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.  
Passed to Committee on Rules for second reading.

January 25, 1977.

SENATE BILL NO. 2068, deleting obsolete powers of town supervisors (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2171, authorizing the utilities and transportation commission to adopt rules to clearly enumerate the types of vehicles which must stop at railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2290, by Senators Francis and Van Hollebeke (by Judicial Council request):

AN ACT Relating to torts; and adding a new chapter to Title 4 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2291, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to civil procedure; and amending section 2, chapter 131, Laws of 1959 as amended by section 22, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 4.28.185.

Referred to Judiciary Committee.

SENATE BILL NO. 2292, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to homesteads; and amending section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 12, Laws of 1971 ex. sess. and RCW 6.12.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2293, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to motor vehicles; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; and adding a new chapter to Title 46 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2294, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to the selection of jurors in the superior courts; and amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060.

Referred to Judiciary Committee.

SENATE BILL NO. 2295, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to judicial review of administrative agencies; and amending section 13, chapter 234, Laws of 1959 as amended by section 6, chapter 237, Laws of 1967 and RCW 34.04.130.

Referred to Judiciary Committee.

SENATE BILL NO. 2296, by Senator Van Hollebeke (by Judicial Council request):

AN ACT Relating to civil procedure; amending section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010; amending section 2, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.020; adding new sections to chapter 138, Laws of 1973 1st ex. sess. and to chapter 4.22 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2297, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to courts; permitting electronic recording of proceedings; amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180; and adding new sections to chapter 2.32 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2298, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to attorney's fees in eminent domain proceedings; and amending section 3, chapter 137, Laws of 1967 ex. sess. as amended by section 3, chapter 39, Laws of 1971 ex. sess. and RCW 8.25.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2299, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to judicial review of administrative agencies; and adding a new section to chapter 234, Laws of 1959 and to chapter 34.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2300, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to courts; amending section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and amending section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2301, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to courts; and amending section 1, chapter 56, Laws of 1907 as amended by section 3, chapter 51, Laws of 1951 and RCW 2.40.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2302, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to courts; and amending section 4, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2303, by Senators Francis, Van Hollebeke and Wojahn (by Judicial Council request):

AN ACT Relating to unemployment benefits; and adding a new section to chapter 162, Laws of 1937 and to chapter 50.20 RCW.

Referred to Committee on Labor.

#### MOTION

On motion of Senator Francis, Senator Wojahn was permitted as an additional sponsor to Senate Bill No. 2303.

SENATE BILL NO. 2304, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to juries; amending section 2, chapter 57, Laws of 1911 as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080; amending section 7, chapter 57, Laws of 1911 and RCW 2.36.100; amending and recodifying section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120; amending section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23.050; repealing section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; and repealing section 90, chapter 130, Laws of 1943 and RCW 38.40.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2305, by Senators Woody and Bluechel:

AN ACT Relating to school buildings; and amending section 1, chapter 70, Laws of 1972 ex. sess. and RCW 48.48.045.

Referred to Committee on Education.

#### MOTION

On motion of Senator Woody, Senator Bluechel was permitted as an additional sponsor to Senate Bill No. 2305.

SENATE BILL NO. 2306, by Senators Herr, Woody and Lewis:

AN ACT Relating to vehicle accident liability insurance; 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 and Insurance.

#### MOTION

On motion of Senator Woody, Senator Lewis was permitted as an additional sponsor to Senate Bill No. 2306.

SENATE BILL NO. 2307, by Senators McDermott, von Reichbauer, Walgren, Goltz, Murray, Bluechel, Hayner and Jones:

AN ACT Relating to education; implementing a program of special education for gifted children; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW; repealing section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010; repealing section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; repealing section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030; prescribing an effective date; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2308, by Senators Talley, Murray, Sandison, Peterson and Wanamaker:

AN ACT Relating to pilotage; adding new sections to chapter 88.16 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2309, by Senators Ridder, Walgren, Wojahn, Fleming and Beck (by Executive Request of Governor Ray):

AN ACT Relating to state government; creating the Washington state women's commission; creating a new chapter in Title 43 RCW; and making an appropriation.

Referred to Committee on State Government.

### MOTION

On motion of Senator Ridder, Senator Beck was permitted as an additional sponsor to Senate Bill No. 2309.

SENATE BILL NO. 2310, by Senators Rasmussen and Buffington:

AN ACT Relating to salaries of public officials; amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028; and amending section 43.03.040, chapter 8, Laws of 1965 as amended by section 3, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.040.

Referred to Committee on State Government.

SENATE BILL NO. 2311, by Senators Woody, Herr and Francis:

AN ACT Relating to courts and the judiciary; establishing a state-wide system of district courts; adding a new chapter to Title 3 RCW; creating new sections; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1855 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881 and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of

1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1, chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3 and 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909 and RCW 3.20.040; repealing section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section 3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 2, page 88, Laws of 1867, section 1938, Code of 1881, sections 2 and 3, page 8, Laws of

1881, section 1, chapter 126, Laws of 1943 and RCW 3.20.100; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020; repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923 and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 1, chapter 299, Laws of 1961, section 1, chapter 42, Laws of 1967 ex. sess. and RCW 3.30.010; repealing section 2, chapter 299, Laws of 1961 and RCW 3.30.020; repealing section 3, chapter 299, Laws of 1961, section 1, chapter 73, Laws of 1971 and RCW 3.30.030; repealing section 4, chapter 299, Laws of 1961 and RCW 3.30.040; repealing section 5, chapter 299, Laws of 1961, section 2, chapter 73, Laws of 1971 and RCW 3.30.050; repealing section 6, chapter 299, Laws of 1961 and RCW 3.30.060; repealing section 7, chapter 299, Laws of 1961, section 3, chapter 73, Laws of 1971 and RCW 3.30.070; repealing section 8, chapter 299, Laws of 1961 and RCW 3.30.080; repealing section 9, chapter 299, Laws of 1961, section 4, chapter 73, Laws of 1971 and RCW 3.30.090; repealing section 10, chapter 299, Laws of 1961, section 5, chapter 110, Laws of 1965 ex. sess., section 1, chapter 66, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1970 ex. sess., section 1, chapter 147, Laws of 1971 ex. sess., section 1, chapter 14, Laws of 1973 1st ex. sess., section 1, chapter 153, Laws of 1975 1st ex. sess. and RCW 3.34.010; repealing section 11, chapter 299, Laws of 1961, section 7, chapter 66, Laws of 1969 ex. sess., section 2, chapter 23, Laws of 1970 ex. sess., section 2, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.020; repealing section 12, chapter 299, Laws of 1961, section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; repealing section 13, chapter 299, Laws of 1961, section 2, chapter 147, Laws of 1971 ex. sess., section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040; repealing section 14, chapter 299, Laws of 1961, section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; repealing section 15, chapter 299, Laws of 1961 and RCW 3.34.060; repealing section 16, chapter 299, Laws of 1961 and RCW 3.34.070; repealing section 17, chapter 299, Laws of 1961 and RCW 3.34.080; repealing section 18, chapter 299, Laws of 1961, section 5, chapter 73, Laws of 1971 and RCW 3.34.090; repealing section 19, chapter 299, Laws of 1961 and RCW 3.34.100; repealing sections 20 through 24, chapter 299, Laws of 1961 and RCW 3.34.110 through 3.34.150; repealing section 25, chapter 299, Laws of 1961 and RCW 3.38.010; repealing section 26, chapter 299, Laws of 1961, section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; repealing section 1, chapter 213, Laws of 1963 and RCW 3.38.022; repealing section 27, chapter 299, Laws of 1961, section

2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; repealing section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; repealing section 28, chapter 299, Laws of 1961, section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040; repealing section 29, chapter 299, Laws of 1961 and RCW 3.38.050; repealing section 30, chapter 299, Laws of 1961 and RCW 3.38.060; repealing sections 31 through 33, chapter 299, Laws of 1961 and RCW 3.42.010 through 3.42.030; repealing section 34, chapter 299, Laws of 1961, section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; repealing sections 35 through 38, chapter 299, Laws of 1961 and RCW 3.46.010 through 3.46.040; repealing section 39, chapter 299, Laws of 1961, section 2, chapter 33, Laws of 1975 and RCW 3.46.050; repealing sections 40 through 42, chapter 299, Laws of 1961 and RCW 3.46.060 through 3.46.080; repealing section 43, chapter 299, Laws of 1961, section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; repealing sections 44 and 45, chapter 299, Laws of 1961 and RCW 3.46.100 and 3.46.110; repealing section 46, chapter 299, Laws of 1961, section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120; repealing section 47 and 48, chapter 299, Laws of 1961 and RCW 3.46.130 and 3.46.140; repealing section 6, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.145; repealing section 49, chapter 299, Laws of 1961 and RCW 3.46.150; repealing sections 50 through 52, chapter 299, Laws of 1961 and RCW 3.50.010 through 3.50.030; repealing section 53, chapter 299, Laws of 1961, section 1, chapter 35, Laws of 1975-'76 2nd ex. sess. and RCW 3.50.040; repealing sections 54 through 58, chapter 299, Laws of 1961 and RCW 3.50.050 through 3.50.090; repealing section 59, chapter 299, Laws of 1961, section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; repealing section 60 through 78, chapter 299, Laws of 1961 and RCW 3.50.110 through 3.50.290; repealing section 79, chapter 299, Laws of 1961, section 1, chapter 84, Laws of 1969 and RCW 3.50.300; repealing sections 80 through 89, chapter 299, Laws of 1961 and RCW 3.50.310 through 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing sections 91 through 96, chapter 299, Laws of 1961 and RCW 3.50.420 through 3.50.470; repealing section 98, chapter 299, Laws of 1961, section 6, chapter 73, Laws of 1971 and RCW 3.54.010; repealing section 99, chapter 299, Laws of 1961, section 7, chapter 73, Laws of 1971, section 1, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.54.020; repealing section 100, chapter 299, Laws of 1961, section 1, chapter 147, Laws of 1965, section 1, chapter 52, Laws of 1969, section 4, chapter 100, Laws of 1972 ex. sess., section 6, chapter 149, Laws of 1974 ex. sess., section 3, chapter 33, Laws of 1975, section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; repealing section 101, chapter 299, Laws of 1961, section 1, chapter 192, Laws of 1969 ex. sess., section 1, chapter 95, Laws of 1974 ex. sess. and RCW 3.58.020; repealing sections 102 and 103, chapter 299, Laws of 1961 and RCW 3.58.030 and 3.58.040; repealing section 104, chapter 299, Laws of 1961, section 3, chapter 213, Laws of 1963 and RCW 3.58.050; repealing section 105, chapter 299, Laws of 1961 and RCW 3.62.010; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; repealing section 106, chapter 299, Laws of 1961, section 2, chapter 199, Laws of 1969 ex. sess., section 8, chapter 73, Laws of 1971 and RCW 3.62.020; repealing section 108, chapter 299, Laws of 1961, section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; repealing section 109, chapter 299, Laws of 1961, section 2, chapter 213, Laws of 1963, section 1, chapter 111, Laws of 1969, section 3, chapter 199, Laws of 1969 ex. sess., section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 110, chapter 299, Laws of 1961, section 1, chapter 55, Laws of 1965, section 1, chapter 25, Laws of 1969 and RCW 3.62.060; repealing section 111, chapter 299, Laws of 1961, section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; repealing



section 112, chapter 299, Laws of 1961 and RCW 3.66.010; repealing section 113, chapter 299, Laws of 1961, section 1, chapter 95, Laws of 1965 and RCW 3.66.020; repealing sections 114 through 117, chapter 299, Laws of 1961 and RCW 3.66.030 through 3.66.060; repealing section 7, chapter 110, Laws of 1965 ex. sess., section 1, chapter 29, Laws of 1975 and RCW 3.66.065; repealing sections 1 through 3, chapter 75, Laws of 1969 and RCW 3.66.067 through 3.66.069; repealing sections 118 and 119, chapter 299, Laws of 1961 and RCW 3.66.070 and 3.66.080; repealing section 120, chapter 299, Laws of 1961, section 1, chapter 241, Laws of 1967 and RCW 3.66.090; repealing sections 121 and 122, chapter 299, Laws of 1961 and RCW 3.66.100 and 3.66.110; repealing sections 123 through 126, chapter 299, Laws of 1961 and RCW 3.70.010 through 3.70.040; repealing sections 130 and 131, chapter 299, Laws of 1961 and RCW 3.74.010 and 3.74.020; repealing section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; repealing sections 127 through 129, chapter 299, Laws of 1961 and RCW 3.74.900 through 3.74.920; repealing section 132, chapter 299, Laws of 1961 and RCW 3.74.930; repealing section 8, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.931; repealing section 11, chapter 241, Laws of 1967 and RCW 3.74.932; and repealing section 4, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.940; and providing effective dates.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Woody, Senator Francis was permitted as an additional sponsor to Senate Bill No. 2311.

SENATE BILL NO. 2312, by Senators Woody and Herr:

AN ACT Relating to franchises; amending section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010; amending section 18, chapter 252, Laws of 1971 ex. sess. as last amended by section 4, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.180; and amending section 19, chapter 252, Laws of 1971 ex. sess. as amended by section 11, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.190.

Referred to Committee on Commerce.

SENATE BILL NO. 2313, by Senators Woody and Herr:

AN ACT Relating to marketing petroleum products; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce.

SENATE JOINT RESOLUTION NO. 106, by Senators Marsh, Rasmussen and Murray (by Executive Request of Governor Ray):

Amending the Constitution to authorize the governor to organize the executive branch of state government.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 107, by Senators Gaspard, Bottiger, Bausch and von Reichbauer:

Amending the Constitution to permit current use assessment on all real property.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Francis and Van Hollebeke (by Judicial Council request):

Proposing a commission on prisoners sentencing and correction.

Referred to Judiciary Committee.

There being no objection, additional sponsors were permitted on Senate Bills 2307, 2308, 2309.

## SECOND READING

SENATE BILL NO. 2095, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Revising state treasurer's procedures for issuing receipts.

## REPORT OF STANDING COMMITTEE

January 18, 1977.

SENATE BILL NO. 2095, revising state treasurer's procedures for issuing receipts (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "transmissions" strike ", notify the budget director thereof, specifying" and insert "~~((notify the budget director thereof, specifying))~~ specify"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

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. 2095 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 Rasmussen yield to a question? Senator Rasmussen, I raised this question earlier, but on the floor, I would like to to ask you whether or not in the committee deliberations there was any consideration as to exactly what rules or regulations were going to be promulgated by OPP&FM. Were there any suggestions by either OPP&FM or the state treasurer as to what regulations they were thinking about?"

Senator Rasmussen: "I would presume it would be in the type of receipt they would issue without stamping it with the treasurer's stamp."

Senator Woody: "I take it, then, there was no discussion about what rules and regulations they were thinking about, but rather eliminating the requirement of receipts, duplicate receipts, and to seal without addressing themselves to what replacement requirements there would be."

Senator Rasmussen: "That we did not discuss, Senator Woody."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2095, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Grant, Marsh, Matson—4.

ENGROSSED 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

SENATE BILL NO. 2096, by Senators Rasmussen and Newschwander (by State Treasurer request):

Establishing a deposit interest account in the state general fund and eliminating certain deposit interest payments occasioned by interfund loans.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2096 was ordered to hold its place on the second reading calendar for January 27, 1977.

## SECOND READING

SENATE BILL NO. 2098, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Making the judges' retirement fund a part of the state treasury.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Senate Bill No. 2098 was advanced to third reading, the second 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. 2098, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody.

Voting nay: Senator Walgren—1.

Excused: Senators Fleming, Grant, Marsh, Matson—4.

SENATE BILL NO. 2098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2099, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Authorizing state officials to designate their representatives to the public employees retirement board.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2099 was ordered to hold its place on the second reading calendar for January 27, 1977.

## PERMISSION GRANTED FOR USE OF SENATE CHAMBER

On motion of Senator von Reichbauer, permission was granted for use of the Senate Chamber by the Committee on Parks and Recreation for a hearing on Senate Bill No. 2028, boating regulations, at 1:00 p.m. today.

## MOTION

At 11:29 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 27, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**EIGHTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, January 27, 1977.

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

The Color Guard consisting of Pages Mark Rowe and Karen Dunn presented the Colors. Reverend Richard W. Hart, pastor of The First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, REMIND US AGAIN THAT THE BEAUTY AND STRENGTH OF THIS MOMENT DEPENDS ON OUR PERSONAL INVESTMENT. USE YOUR CREATIVE POWERS TO ATTRACT OUR ATTENTION, EVEN IF IT IS FOR ONLY A FEW FLEETING MOMENTS. THANK YOU FOR REACHING OUT TO US. THANK YOU FOR GIVING PURPOSE AND MEANING TO ALL WHO ARE UNAFRAID AND UNASHAMED TO CALL UPON YOUR NAME.

"LORD, SOMETIMES THE BURDEN OF PRIVILEGE AND RESPONSIBILITY BECOMES EXCEEDINGLY HEAVY. AFTER OTHERS HAVE SOUGHT AND COURTED US FOR POWER AND INFLUENCE, WE HAVE KNOWN THOSE TERRIBLY LONELY AND GNAWING FEELINGS, WONDERING IF ANYONE CARES ABOUT US SIMPLY BECAUSE WE ARE A PERSON, A FELLOW HUMAN BEING. WE PRAY THAT AT LEAST FOR THIS MOMENT, YOU WILL MINISTER TO US AT THE LEVEL OF OUR PERSONAL NEED. WHERE WE ARE EXPERIENCING PAIN, BRING ABOUT HEALING, WHERE IT IS HEARTACHE OR SORROW, COMFORT US; WHERE IT IS DISCOURAGEMENT OR DEFEAT, GRANT NEW VISION; WHERE IT IS LONELINESS AND SEPARATION, AFFIRM US ONCE AGAIN WITH A SENSE OF YOUR HOLY PRESENCE AND LOVE. STRENGTHEN US THAT WE MAY KNOW THE JOY OF BEING A REAL PERSON. IN THE NAME OF 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**

January 27, 1977.

SENATE BILL NO. 2048, adding a public member to the cemetery board (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2059, repealing certain obsolete laws relating to agricultural conservation (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2060, repealing certain obsolete laws relating to reclamation (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 27, 1977.

SENATE BILL NO. 2062, revising qualifications for health officers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1977.

SENATE BILL NO. 2079, placing funeral directors under Unfair Practices Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1977.

SENATE BILL NO. 2110, liberalizing investments available to county clerks (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2164, governing disposition of crops from state owned share crop lands and modifying livestock trespass (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2208, amending miscellaneous agricultural laws relating to weeds, seeds, marketing agreements, horticultural districts, and weights and measures (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

January 25, 1977.

WILBUR G. HALLAUER, to the position of Director of the Department of Ecology appointed by the Governor on January 12, 1977 for the term ending at the

Governor's pleasure, succeeding John Biggs (reported by the Committee on Ecology):

Recommends that said appointment be confirmed.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules.

January 26, 1977.

GARY STROHMAIER, to the position of Director of the Department of Agriculture appointed by the Governor on January 12, 1977 for the term ending at the Governor's pleasure, succeeding Stewart Bledsoe (reported by the Committee on Agriculture):

Recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

January 26, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 55,

ENGROSSED HOUSE BILL NO. 85,

ENGROSSED HOUSE JOINT MEMORIAL NO. 1, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

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

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2314, by Senator Sellar:

AN ACT Relating to fees of county officers; and amending section 36.18.010, chapter 4, Laws of 1963 as amended by section 8, chapter 26, Laws of 1967 and RCW 36.18.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2315, by Senators Wojahn, Marsh, Morrison and Beck:

AN ACT Relating to real estate brokers and salesmen; amending section 18, chapter 235, Laws of 1953 and RCW 18.85.085; amending section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120; amending section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.140; amending section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150; and amending section 42, chapter 52, Laws of 1957 as amended by section 17, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.190.

Referred to Committee on Commerce.

SENATE BILL NO. 2316, by Senators Wojahn, Beck and Bottiger:

AN ACT Relating to the department of veterans affairs; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2317, by Senators Francis and Scott:

AN ACT Relating to civil procedure; amending section 7, chapter 60, Laws of 1929 and RCW 4.56.210; and repealing section 8, chapter 60, Laws of 1929, section 18, chapter 81, Laws of 1971 and RCW 4.56.225.

Referred to Judiciary Committee.

SENATE BILL NO. 2318, by Senator North:

AN ACT Relating to vital statistics; amending section 19, chapter 83, Laws of 1907 as last amended by section 7, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.040; and amending section 4, chapter 83, Laws of 1907 as last amended by section 16, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.230.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2319, by Senator North:

AN ACT Relating to the state registrar; and amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2320, by Senators McDermott and Gould (by State Board of Education request):

AN ACT Relating to the election of members of educational service district boards; amending section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.030; amending section 5, chapter 75, Laws of 1974 ex. sess. as amended by section 6, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0304; amending section 6, chapter 75, Laws of 1974 ex. sess. as amended by section 7, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0305; amending section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 9, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.035; amending section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 12, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.050; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; repealing section 2, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0301; repealing section 3, chapter 75, Laws of 1974 ex. sess., section 4, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0302; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 2321, by Senators McDermott, Gould and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 11, chapter 282, Laws of 1971 ex. sess. as amended by section 16, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.086; amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.03, 28A.04 and 28A.21 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2322, by Senators Francis and Scott:

AN ACT Relating to civil procedure in justice courts; and amending section 95, page 240, Laws of 1854 as last amended by section 1795, Code of 1881 and RCW 12.24.100.

Referred to Judiciary Committee.

SENATE BILL NO. 2323, by Senators Bluechel, Francis and Talley:

AN ACT Relating to dissolution of marriage; and amending section 24, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.240.

Referred to Judiciary Committee.



SENATE BILL NO. 2324, by Senator Hayner:

AN ACT Relating to materialmen's liens; amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2325, by Senators Wilson, Talley, Sellar, Bluechel, Walgren, McDermott, Guess, North, Rasmussen, Bailey and Fleming:

AN ACT Relating to cities, towns, counties, and other units of local government; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2326, by Senators Rasmussen, Newschwander, Mardesich and Donohue (by Lieutenant Governor request):

AN ACT Relating to executive conflicts of interest; and adding a new section to chapter 234, Laws of 1969 ex. sess. and to chapter 42.18 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2327, by Senators Rasmussen, Newschwander, Mardesich, Donohue and Odegaard (by Lieutenant Governor request):

AN ACT Relating to personal service contracts; amending section 1, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.010; and adding new sections to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2328, by Senators Donohue and Guess:

AN ACT Relating to the Washington state patrol; amending section 43.43.020, chapter 8, Laws of 1965 as amended by section 1, chapter 80, Laws of 1973 1st ex. sess. and RCW 43.43.020; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2329, by Senators Guess, Henry, Buffington and Beck:

AN ACT Relating to ferry facilities; amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.030; amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.030; adding a new section to chapter 13, Laws of 1961 and to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SENATE BILL NO. 2330, by Senators Goltz, Scott, Francis and Murray:

AN ACT Relating to marihuana; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 38, Laws of 1973 2nd ex. sess. and RCW 69.50.101; amending section 69.50.204, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.204; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; amending section 69.50.408, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.408; adding new sections to chapter 308, Laws of 1971 ex. sess. and to chapter 69.50 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2331, by Senators Goltz, Pullen and Van Hollebeke:

AN ACT Relating to traffic offenses; and adding a new section to chapter 3.74 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2332, by Senators Bailey, Goltz, Buffington and McDermott:

AN ACT Relating to blind persons; establishing the Washington state commission for the blind; amending section 40, chapter 18, Laws of 1970 ex. sess. and

RCW 43.20A.300; amending section 74.16.170, chapter 26, Laws of 1959 and RCW 74.16.170; amending section 1, chapter 59, Laws of 1967 and RCW 74.16.181; amending section 2, chapter 59, Laws of 1967 and RCW 74.16.183; amending section 74.16.190, chapter 26, Laws of 1959 and RCW 74.16.190; amending section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300; amending section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010; amending section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020; amending section 4, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.040; adding new sections to chapter 74.16 RCW; and declaring an emergency.

### MOTION

On motion of Senator Day, Senate Bill No. 2332 was referred to the Committee on Social and Health Services

SENATE BILL NO. 2333, by Senators Hayner, Donohue and Morrison:

AN ACT Relating to liens; amending section 2, chapter 217, Laws of 1955 and RCW 60.14.020; amending section 2, chapter 110, Laws of 1917 and RCW 60.16.020; amending section 2, chapter 264, Laws of 1961 and RCW 60.22.020; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2334, by Senators Bottiger, Francis and Hayner:

AN ACT Relating to eminent domain; and amending section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 108, by Senators Pullen, von Reichbauer, Ridder, Washington, Sellar, McDermott, Morrison, Benitz, Beck, Lewis, Guess, Goltz, Francis, Wilson, North, Mardesich, Henry, Van Hollebeke, Murray and Jones:

Amending the Constitution to permit legislators to hold a civil office notwithstanding that he served in a legislature which increased the emoluments thereof so long as the emoluments he receives are at the level designated prior to the increase.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 109, by Senators Donohue, Mardesich, Woody, Scott and Odegaard:

Pertaining to state debt limitations.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 55, by Representatives Deccio, Boldt, Becker, Kilbury, Amen, Flanagan, Hansen, Erickson and Clayton (by House Committee on Agriculture of the 44th Legislature request):

Revising regulation and support of stream patrolmen.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 85, by Representatives Fischer, Pearsall and King:

Including certain law enforcement and court personnel under the public employee collective bargaining laws.

Referred to Committee on Labor.

ENGROSSED HOUSE JOINT MEMORIAL NO. 1, by Representatives Warnke, Paris, Greengo and Gaines:

Requesting the federal government to give the state more administrative freedom under the federal insecticide, fungicide, and rodenticide act.

Referred to Committee on Agriculture.

There being no objection, additional sponsors were permitted on Senate Bills 2315, 2325, 2326, 2327, 2329, 2330, 2332; Senate Joint Resolutions 108, 109.

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

### SECOND READING

SENATE BILL NO. 2096, by Senators Rasmussen and Newschwander (by State Treasurer request):

Establishing a deposit interest account in the state and general fund and eliminating certain deposit interest payments occasioned by interfund loans.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Senate Bill No. 2096 was advanced to third reading, the second 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. 2096, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Fleming, Hayner—3.

SENATE BILL NO. 2096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2099, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Authorizing state officials to designate their representatives to the public employees retirement board.

### REPORT OF STANDING COMMITTEE

January 18, 1977.

SENATE BILL NO. 2099, authorizing state officials to designate their representatives to the public employees' retirement board (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after "treasurer, the" strike "state auditor" and insert "(state auditor) lieutenant governor"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

### PARLIAMENTARY INQUIRY

Senator Marsh: "Mr. President, I have an amendment to this same section on the desk. The amendment would strike the insurance commissioner, the attorney general, the state treasurer, the state auditor or their designees. My question is, if this amendment, this committee amendment that is presently before us, is acted

upon would my motion from the floor still be in order, my amendment from the floor still be in order?

"Mr. President, I would further point out that my particular amendment is to line 10, and the committee amendment is to line 11. Would not the floor amendment take precedence and should it not be acted upon by the body before the committee amendment because it addresses line 10?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Marsh, in reply to your question, the President believes that the Senate has the right to improve the bill before the body, but in any event, your proposed amendment would be in order."

The motion carried and the committee amendment was adopted.

Senator Marsh moved adoption of the following amendment by Senators Marsh, Jones and Woody:

On Page 1, Section 1, Line 10 after "follows:" beginning with "The" strike all material through designees on Line 11 and insert:

"((The insurance commissioner, the attorney general, the state treasurer, the state auditor, or their designees)) Four members from the public at large, appointed by the governor, subject to confirmation by the Senate: PROVIDED, That the four members appointed by the governor shall have no direct or indirect interest in any public retirement system governed by the provisions of this chapter: PROVIDED, FURTHER, That one of the original public at large members shall be appointed 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. There 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"

#### POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator Marsh yield to a question? Senator Marsh, you refer in your motion, or your amendment, to an indirect interest in a public pension, or a public pension system. Would you define for us what an indirect interest would be?"

Senator Marsh: "I think an example of an indirect interest would be that you may be a member of a stock brokerage, or you might have some other interest in the investments that the board might be considering and that would be an indirect interest. I see the direct interest as being a member of the system, and I see indirect interest as any other interest other than being a member of the system."

Senator Francis: "You would not include as having an indirect interest citizens of the state who are interested in having a sound fiscal system in this state. You would not regard that as an indirect interest?"

Senator Marsh: "No, I would not in the legal sense, Senator. I think it is quite analogous to the situation that you and I as legislators sometimes have on the floor of the Senate. You and I sometimes vote on matters relating to the legal profession, but we don't have a particular interest in that any more than any other member of the profession. So, I think it is a very analogous situation and I don't consider it an indirect interest."

Senator Francis: "Thank you."

Debate ensued.

#### MOTION

On motion of Senator Grant, Senate Bill No. 2099, as amended, together with the pending amendment by Senators Marsh, Jones and Woody, was ordered to hold its place on the second reading calendar for January 28, 1977.

**MOTION**

At 11:45 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 28, 1977.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

## NINETEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 28, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Francis, Gould and Peterson. On motion of Senator Odegaard, Senators Bottiger, Francis and Peterson were excused. On motion of Senator Jones, Senator Gould was excused.

The Color Guard, consisting of Pages Jim Huntz and Cindy Hart, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"BECAUSE OF THE VERY PERSONAL NATURE OF PRAYER, I WANT TO SUGGEST SOMETHING A LITTLE DIFFERENT THIS MORNING. LIFE KNOWS SOME OF ITS GREATEST MOMENTS WHEN WE ARE INVOLVED IN GIVING THANKS. I INVITE YOU TO MEDITATE WITH ME, TO LET THE MINISTRY OF SILENCE BESTOW ITS OWN PEACE AND STRENGTH, AND THEN GIVE THANKS: FOR YOUR PARENTS WHO GAVE YOU LIFE; FOR A CHILDHOOD FRIEND WHO MADE LIFE FUN; FOR A TEACHER WHO CHALLENGED YOU TO LEARN; FOR YOUR FAMILY WHO HAS BEEN WILLING TO SACRIFICE YOUR PRESENCE SO YOU CAN BE HERE; FOR ANOTHER SENATOR WHO HAS BECOME PARTICULARLY MEANINGFUL TO YOU.

"O LORD, THANK YOU FOR THOSE WHO HAVE GIVEN A PART OF THEMSELVES TO US. FORGIVE US FOR THE MOMENTS WHEN WE HAVE BECOME SO BUSY THAT WE HAVE FORGOTTEN BOTH THEM AND YOU. BUT MORE THAN JUST FORGIVE, WE ASK THAT YOU WILL CALL FORTH THE BEST THAT IS WITHIN EACH OF US TO MEET THE CHALLENGES OF THIS DAY. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 27, 1977.

SENATE BILL NO. 2113, authorizing resident tuition and fee rates at institutions of higher education to certain nonimmigrant alien families (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2113 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules for second reading.

January 27, 1977.

SENATE BILL NO. 2116, permitting certain PUD's to have sewage districts without reference to a water system (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.  
Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2181, changing the bonding requirements for surface mining (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

January 27, 1977.

SENATE BILL NO. 2188, providing for national guard scholarships (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

There being no objection, Senate Bill No. 2188 was referred to the Committee on Ways and Means.

January 27, 1977.

SENATE BILL NO. 2198, authorizing Lower Columbia Community College to make certain site acquisitions (reported by Committee on Higher Education):

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Senators Sandison, Chairman, Benitz, Donohue, Goltz, Guess, Scott.

There being no objection, Senate Bill No. 2198 was referred to the Committee on Ways and Means.

January 27, 1977.

SENATE BILL NO. 2225, providing for Washington State University Tree Fruit Center funding (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 27, 1977.

LOUIS H. PEDERSEN, to the position of Chairman and member of the Liquor Control Board, appointed by the Governor on January 12, 1977 for the term ending January 15, 1985, succeeding Jack Hood (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules.

January 27, 1977.

VERNON L. BARNES, to the position of Director of the Department of General Administration, appointed by the Governor on January 12, 1977 for the term ending at the Governor's pleasure, succeeding Keith A. Angier (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules.

January 27, 1977.

MERRILY KNUTSEN, to the position of member of the Board of Trustees of Centralia Community College, District No. 12, appointed by the Governor on January 20, 1977 for the term ending April 3, 1978, succeeding Robert B. Thompson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

LARRY FINNEMAN, to the position of member of the Board of Trustees of Olympic Community College, District No. 3, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Margaret Strachan, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

CAROLYN POWERS, to the position of member of the Board of Trustees of Olympic Community College, District No. 3, appointed by the Governor on January 20, 1977 for the term ending April 3, 1979, succeeding Henry P. Sandstrom (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess.

Passed to Committee on Rules.

January 27, 1977.

FREDERICK B. ROSMOND, to the position of member of the Board of Trustees of Peninsula Community College, District No. 1, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess.

Passed to Committee on Rules.

January 27, 1977.

HUGH MATHEWS, to the position of member of the Board of Trustees of Green River Community College, District No. 10, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

LAWRENCE W. WEINSTEIN, to the position of member of the Board of Trustees of Grays Harbor Community College, District No. 2, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.



Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.  
Passed to Committee on Rules.

January 27, 1977.

MARY HENRIE, to the position of member of the Board of Trustees of Wenatchee Community College, District No. 15, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Marilynn Wilson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

BOB PARTLOW, to the position of member of the Board of Trustees of Whatcom Community College, District No. 21, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Mrs. John Bay (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

BEVERLY A. SCHOENFELD, to the position of member of the Board of Trustees for Green River Community College, District No. 10, appointed by the Governor on January 20, 1977 for the term ending April 3, 1977, succeeding Helen Smith (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

F. GEORGE WARREN, to the position of member of the Board of Trustees for Centralia Community College, District No. 12, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

ERNEST W. CONRAD, to the position of member of the Board of Trustees for Olympic Community College, District No. 3, appointed by the Governor on January 20, 1977 for the term ending April 3, 1978, succeeding Mrs. Jonnie Foster (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

JACK SCHUSTER, to the position of member of the Board of Trustees for Skagit Valley College, District No. 4, appointed by the Governor on January 20, 1977 for the term ending April 3, 1980, succeeding Gordon Lein (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 27, 1977.

DR. ROBERT FERNALD, to the position of member of the Board of Trustees for Western Washington State College, appointed by the Governor on January 20, 1977 for the term ending March 16, 1982, succeeding Robert W. Winston, Jr. (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2335, by Senators Rasmussen, Wojahn and Lewis:

AN ACT Relating to railroads; adding a new section to chapter 81.44 RCW; adding a new section to chapter 81.48 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2336, by Senators Rasmussen, Newschwander, Cunningham and Day (by State Treasurer and State Finance Committee request):

AN ACT Relating to investments; amending section 8, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 103, Laws of 1973 1st ex. sess. and RCW 2.10.080; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 44, Laws of 1975-'76 2nd ex. sess. and RCW 41.26-.060; amending section 7, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.26.070; amending section 15, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.32.207; amending section 16, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.40.072; amending section 2, chapter 91, Laws of 1959 and RCW 41.40.075; amending section 9, chapter 274, Laws of 1947 as last amended by section 4, chapter 128, Laws of 1969 and RCW 41.40.080; amending section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.050; amending section 7, chapter 103, Laws of 1973 1st ex. sess. as amended by section 112, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.050; amending section 9, chapter 103, Laws of 1973 1st ex. sess. as amended by section 26, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.070; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.84.150; amending section 22, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 44.44.040; adding new sections to chapter 43.33 RCW; and repealing section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.080.

Referred to Committee on State Government.

SENATE BILL NO. 2337, by Senators Talley and Odegaard:

AN ACT Relating to superior courts; and amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064.

Referred to Judiciary Committee.

SENATE BILL NO. 2338, by Senators Walgren, Day and North:

AN ACT Relating to sheltered workshops; amending section 3, chapter 20, Laws of 1975 and RCW 39.23.020; and amending section 3, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.530.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2339, by Senators Cunningham, Mardesich, Rasmussen and Guess:

AN ACT Relating to private property; and creating a new chapter in Title 8 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2340, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to trapping; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2341, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to the power and duties of the game commission; and amending section 77.12.150, chapter 36, Laws of 1955 as amended by section 1, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.150.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2342, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to gaming licenses; adding a new section to chapter 77.32 RCW; and defining crimes.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2343, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to the game commission; amending section 77.12.010, chapter 36, Laws of 1955 and RCW 77.12.010; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2344, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to the powers and duties of the game commission; and amending section 2, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.201.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2345, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to game and game fish; amending section 77.16.020, chapter 36, Laws of 1955 and RCW 77.16.020; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2346, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

AN ACT Relating to game and game fish; amending section 77.16.030, chapter 36, Laws of 1955 and RCW 77.16.030; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2347, by Senators Talley, Peterson and Wanamaker:

AN ACT Relating to charter boat fishing; adding a new chapter to Title 75 RCW; providing an expiration date; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE JOINT RESOLUTION NO. 110, by Senators Grant, Goltz, Gould, McDermott, Washington and Talley:

Permitting the voters to call a Constitutional Convention.

Referred to Committee on Constitution and Elections.

## MOTION

On motion of Senator Grant, Senators McDermott, Goltz, Washington and Talley were permitted as additional sponsors to Senate Joint Resolution No. 110.

There being no objection, additional sponsors were permitted on Senate Bills 2336, 2339.

## MOTION

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

## SECOND READING

SENATE BILL NO. 2099, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Authorizing state officials to designate their representatives to the public employees retirement board.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2099, as amended on January 27, 1977, together with the pending amendment by Senators Marsh, Jones and Woody, was ordered to hold its place on the second reading calendar for Monday, January 31, 1977.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Bailey, Rasmussen and Clarke:

Providing for review of the operations of the state actuary.

The resolution was read the second time in full.

On motion of Senator Bailey, Senate Concurrent Resolution No. 105 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Bailey yield to a question? Senator Bailey, I recognize that you are a member of the committee, and I am wondering under the, 'be it further resolved,' beginning on line 9 that requires the actuary to submit his procedures to the special committee for approval? Would it be your stance or your position that if the ways and means committee asked for actuarial, the actuary to respond to questions of the ways and means committee, that those questions would be legitimate questions which the committee would intend to include in its list of recommended procedures?"

Senator Bailey: "Senator Mardesich, the committee would probably not bother the actuary in any way unless there is some abuse of request for his services, and actuarial services are very expensive, and it is possible if we don't have some regulatory system that someone will demand full time of the actuary at great expense, and he might not even be available for some of the major bills before ways and means. The purpose of it was, if he gets into a problem, to do that.

"We also are engaged in gathering information right now and feeding it into the computer. This will be his job, and it is going to take him the best part of a year. So, there are some procedures that he will lay out to account for the work that he is doing, and account for the help that he needs over there, and I might say on that help, that he will submit a budget to the ways and means committee just like any other department does."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 105, and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Francis, Peterson—3.

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

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Sandison, Clarke, Goltz, Wilson and Bluechel:

Establishing the joint legislative committee on Washington/British Columbia cooperation.

The resolution was read the second time in full.

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

## POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Goltz yield to a question? I did not have a chance to look thoroughly at this. When is this committee to be established and when it is established is it supposed to report back to the legislature, and is there a self destruct on this committee, or is it just going to be an ongoing, joint legislative committee?"

Senator Goltz: "My assumption is that this kind of a committee would have to be reestablished each session. We are supposing in the committee's duties that they do report back to the next session of the legislature."

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Goltz yield? Senator Goltz, I have seen a headline in the paper that was supposed to have come from a professor up at Western College, a very knowledgeable man, I am sure, but he probably was misquoted. I have not asked him about that, but it had a big headline, 'The Ugly Canadian.' Are you hopeful that this new commission can counteract that image that we have with Canadians, because I am sure that is not what all the American public thinks. We are real friendly with a lot of Canadians."

Senator Goltz: "Senator Rasmussen, I am glad to respond to that because I think that particular point needs to be absolutely clear. The article which you read in the paper, and the article which was being prepared by the professor at Western under the title of, 'The Ugly Canadian,' was in no way meant to be a direct reflection upon Canadians by that professor. What he was attempting to report was a phenomenon which is a problem in Whatcom County and some other areas where some of our people take exception to the wonderful retail business which the Canadians bring to Bellingham, and is, I think, in the interest of this committee to overcome, and to make our citizens realize how valuable these retail sale customers are, and all of the other good things that Canadians and Americans can share together."

So, I share completely your hope that this committee will go a long way towards improving international relations."

Senator Rasmussen: "A further question, Senator Goltz. Is that book still in the process of being published, and could not the title be changed?"

Senator Goltz: "Well, that may be. I will have to talk with the professor, but it certainly is not meant to be a recipe book for how to do it."

Senator Rasmussen: "I would certainly hope that the commission would visit with the professor, and maybe educate him on what our relationship should be with the neighboring countries."

Senator Goltz: "I think he would be glad to do that, and I think he would share your feeling."

Senator Rasmussen: "Thank you."

### POINT OF INQUIRY

Senator Woody: "Would Senator Goltz yield to a question? Senator Goltz, you are acquainted with the problem that has occurred with one Canadian corporation called Home Care, Incorporated, and a mortgage company, at least a group of owners of, holders of mortgages, where about \$2.8 million dollars worth of houses were purchased from elderly people, and oftentimes some very low income people here in the state of Washington. None of the purchasers are in the state of Washington, and the property is now in federal bankruptcy court. Were you aware of that?"

Senator Goltz: "I am not aware of the details. I have heard about as much about it as you have given us here today."

Senator Woody: "Would this joint legislative commission be able to discuss with the British Columbia government possible solutions toward being able to sue or not to, back and forth between the two countries, or any other resolutions of this particular problem?"

Senator Goltz: "I would assume that any subject is open for discussion. I think that we are in many ways restricted by what we can do because of federal legislation on both sides of the border, so it seems to me that we will have to be very careful that we not over exceed our constitutional restrictions as to what is a subject for firm negotiation and what is not."

Senator Woody: "In the event that you turn out to be one of the members of the group, would you at least be willing to look into whether or not your jurisdiction would be sufficient to look into that particular problem?"

Senator Goltz: "If I am a member of that committee, I would be willing to look into almost anything."

Senator Woody: "Thank you."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 101, and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Francis, Peterson—3.

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

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Washington, the appointment of Wilbur G. Hallauer as Director of the Department of Ecology was confirmed.

## REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, and members of the Senate, it is a real pleasure for me to make the motion that we do approve the appointment of Wilbur G. Hallauer. There are a number of us who sat on the floor when Senator Hallauer was a member of this body and some of us served with him when he was in the House. I think if there ever is someone who can help the Legislature move into the field and have some influence in the matter of issuance of rules and regulations, I think Web Hallauer is the man to help the Legislature come to that position that we would like to be in.

"I know he also feels strongly that agencies should not move beyond the intent of the Legislature, and I have the feeling that the number of regulations that will be promulgated by the department will be greatly reduced under his directorship.

"During the hearings there was a matter that Mr. Hallauer raised himself. He brought before our committee a complete disclosure. I have never seen a person so thoroughly disclose his financial holdings, his financial background, as Senator Hallauer did. He was very frank in admitting that he has pending through the Valley Evaporating Company, of which he is one of the primary owners, water discharge permits. But it is very clear that those are the decisions that will be made by the department will be routine decisions. They will not be decisions requiring his decisions. The permits have been in effect for any number of years, and when the term is over and the the new permit is issued, it is definitely established that is done on a routine basis at the regional level. So there is clearly nothing more than a technicality as far as the matter in that regard of having a conflict in interest, and the committee definitely felt very strongly on that matter.

"We were unanimous in feeling that we were very fortunate in having a man with the knowledge and background of resources and water of Senator Hallauer's knowledge, and that we are fortunate to have a man, I think, of his administrative ability heading this very important department. So I urge that we do vote in favor of his confirmation."

## REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I am very happy to be able to second the nomination, the recommendation of the committee to the Senate, and to echo those things that Senator Washington has said, and also to say that I had the pleasure of serving with Web during that interim period of 1967 when we wrote nine or ten pieces of legislation. It took a tremendous amount of concentration. We worked diligently on it. We had many committee meetings, and we were able to bring out legislation that has been enacted and is now in force and effect in the state.

"All during the period of time that we were working I found that Web had more patience than I did. There were times when if I had been chairman of the committee, I might have cracked the whip a little bit stronger. He was patient. He knew where he was going. He knew what he wanted to do. He was very considerate in his treatment of the staff people who were appearing before us, even though sometimes they would not carry out their instructions the first time that we gave them, and at one committee meeting they would come back and the language did

not sound exactly like it should have, and Web would send them back to the drawing board, and they would redo the piece of legislation, and finally when it got into the position that he wanted it and thought it should be, then we accepted that.

"As far as the revelations that Web made about his personal finances and that of his family, I was most impressed. In fact, I was most depressed by the fact that a civil servant or a person who is willing to serve the government has to lay his family fortunes out in as great a detail as Web felt constrained to do. It appears to me that that piece of legislation should be changed, and the hearing that afternoon certainly demonstrated the necessity for it. I feel that as we go down the road with Web in this department, we will gain a sense of balance that we have not had since the environmental protection act was passed, or the shorelines protection act was passed, and so I am looking forward to working with Web and I think that his appointment will be of great value to the citizens of the state of Washington."

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President and members of the Senate, I would like to endorse the remarks of Senators Washington and Guess, and I would also like to point out that Senator Hallauer is a product of the seventh legislative district, as is Charlie Hodde, and that it is a well known fact that people from the seventh legislative district perform services for the state in a very outstanding fashion. I heartily endorse his confirmation."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, fellow senators, I would like to endorse the appointment of Web Hallauer. I had the pleasure of serving with Web Hallauer. We both came to the Senate in 1957. He was an easy man to work with. He was a well informed man, and a very high caliber man. I think he is another example of the fine officials and legislators we have that come out of eastern Washington."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I, too, support the nomination of Web Hallauer from the city side. We served together in the House and the Senate. I think Governor Ray is very fortunate in getting a man of his caliber to serve. He has great concern for environmental problems, but he also has a very sensible approach, and that is what we need in this day and age when we have projects that are stopped for four and five years, only to be granted a permit finally. He is going to speed up the decision making so that if it is bad for the environment, they will know about it immediately or shortly thereafter, and if it is not too bad for the environment and necessary for the state to grow and provide jobs for our people, he will also let them know that, and the project will go ahead.

"I think that Web Hallauer will do an excellent job as director of ecology."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "Members of the Senate, there was one point that I did want to raise, and I think it really bodes well for the environment that Web Hallauer not only has the support of business, industry, people who perhaps feel that we have gone too far with our environmental legislation, but in recognizing his fairness, the witness who appeared before the committee, Harry Wynkoop, who represented the Sierra Club and the Washington Environmental Council, had this statement, and I am just going to read one of the statements that he made.

"The Washington State Sierra Club and Washington Environmental Council have long thought the director of the department of ecology is a very important



position,' and I think the candidate, Mr. Hallauer, is putting the department in the proper position. That is, between the two, between the environmentalists and the business organizations. Mr. Hallauer specifically stated that he was going to be, he felt, in the middle of the road. He was going to try to represent both, that he was not particularly going to be a protagonist for the environmental side of many of the arguments. Many people feel, of course, that the director should be very active and aggressive in pushing for the environmental legislation itself. Mr. Hallauer made it clear that he was going to be in the middle position, and I thought it was very refreshing to me to find that Washington Environmental Council, in particular, recognizes that it is a period of time where there has to be some adjustments. There need to perhaps to be some changes made, and we need someone with the judicial approach who does stand in the middle. I felt that you should know that he did have the support of those two organizations also before our committee."

#### APPOINTMENT OF WILBUR G. HALLAUER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Francis, Peterson—3.

#### MOTION

On motion of Senator Gaspard, the appointment of Gary Strohmaier as Director of the Department of Agriculture was confirmed.

#### REMARKS BY SENATOR GASPARD

Senator Gaspard: "Thank you, Mr. President. I practiced all morning to say, 'Mr. President,' and it came out, 'Mr. Speaker.' I saw John Bagnariol in the wings just a few minutes ago, so maybe that changed my train of thought.

"Mr. President and members of the Senate, it gives me great pleasure to recommend on behalf of the agriculture committee the confirmation of Mr. Gary Strohmaier as the state's director of agriculture.

"I have had distributed to your desks Governor Ray's message concerning Mr. Strohmaier and a biography of Mr. Strohmaier for your perusal. Very quickly, Mr. Strohmaier has been engaged in wheat and cattle ranching for most of his life. He has had some activity in representative form of government. He has worked with both Congressman McCormack and Congressman Foley's staff as a liaison to the citizens of the state of Washington and their respective districts.

"He has been involved in several associations. Just to name a few, he has been president of the Washington Association of Wheat Growers, member of the hay and grain fund committee, and he has served on the national advisory committee of wheat and field grains during the Johnson administration.

"After our hearings in the committee, and after Mr. Strohmaier's statement and questions by the committee, I think he satisfied most of our concerns dealing with agriculture. On the conflict of interest, on public disclosure, of course, his F-1 form is available. He assured us that his farming operation is a family operation, and that there will not be any conflict of interest, and if there is any conflict of interest, this body, the Legislature, will be the first to know about it. There is no

conflict of interest in his associations. He said if there is, then he would resign those associations immediately.

"As his role as the director of agriculture, first he sees it as administering the laws pertaining to the department, to be an active spokesman for the industry of agriculture in the state of Washington. To formulate better understanding in relationships between the farmer and the consumer, and I think, importantly for the people on the west side, and particularly for me, not a farmer, not from the east side of the state, is that he is not going to forget the west side farming interests. We do have some over here, as many of you know.

"Most important, I think, is his pledge to the Senate agriculture committee and to the Legislature is his close cooperation and willingness to work with the Legislature in carrying out the laws as they pertain to the state of Washington and the department of agriculture. Thank you."

#### PERSONAL PRIVILEGE

Senator Talley: "Senator Gaspard, I am sitting in the seat where Reuben Knoblauch always occupied, and he always felt it his duty, when you make your maiden speech, that the Senate always appreciates candy and cigars."

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "Mr. President, I would like to also recommend confirmation of the next secretary of agriculture and I have known Gary for many years. He has been a very hard worker in the area of agriculture. I first met him as a member of the Washington Wheat Association many, many years ago. I am sure that he will do a very fine job. His relationship with the different segments of the agriculture community are well known and I think that the choice of Gary Strohmaier is an excellent one for the secretary's position."

#### REMARKS BY SENATOR DAY

Senator Day: "Thank you, Mr. President and ladies and gentlemen of the Senate. I, too, want to second the nomination of Gary Strohmaier as a youthful, energetic man who is coming into a department that is growing in every way. Agriculture is becoming a more important thing, not only to the state, but to the nation. It is number one as far as the balance of payments internationally. If any of you come over to eastern Washington, I suggest that you get off the freeway and take a look at what is occurring. We are now the number one state in the nation in the production of potatoes, as an example. We are expanding that basin area. Through new technology, they are expanding the capability of feeding a world that is having a difficult time feeding itself, and I think that we need someone such as Gary Strohmaier to lead us through the coming years where there is going to be battles on all types of policies including water distribution and the other essential things to the development of what I feel will be eventually the number one resource and the number one industry in the state of Washington.

"So it is with a great deal of pleasure that I support the confirmation of Gary Strohmaier as a man who will do an excellent job for us."

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I think many of you may know that Gary Strohmaier was my opponent in my recent race for the senatorial seat in the sixteenth legislative district. It is not frequent that someone loses the race and wins the trophy, but this may be the case here."

"Gary, very adequately, fulfills the qualifications that I think Governor Ray was requiring for this position. He is a gregarious, handsome man. He is reasonable, and he is qualified for the job. I have known Gary for many years. I have worked with him, and I learned much more about him as we went about the district campaigning together or separately. I highly recommend him for this position."

#### REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President and members of the Senate, I also wish to recommend confirmation of Gary Strohmaier as director of agriculture. First of all, the director of agriculture's importance far transcends the political party he is from. The importance of food production ranks number one with those of us who produce it, and certainly with the consumer who, after all, is our customer. Gary will have a hard act to follow. The former director of agriculture was well known in agricultural circles, and did a very good job of standing in the middle of the discussions which are pretty serious with the different elements of agriculture.

"Gary Strohmaier has assured me he will be there when the farmers have differences, and some of those differences affect very much how you live, witness the fight between the wheat farmers and the grape farmers over the use of 24D. Mr. Strohmaier has assured me he will be very much in the middle of that or any related discussion. Further, Mr. Strohmaier freely admits he knows more about wheat and cattle and some of those crops than he does about horticulture, viticulture and other important facets. But he is a very sharp young man and learns quickly, and I have the utmost respect for him, and wish him well."

#### REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and ladies and gentlemen, I, too, want to second the nomination of Gary Strohmaier. I haven't known Gary as long as some of the rest of you, but I did get well acquainted with him last summer on a number of visits over to that area. I have been on his ranch, got to know his family, his practical working knowledge of agriculture. I know Gary Strohmaier has the courage of his convictions. He is a creative thinker. I know he will do much for the cause of agriculture, and it is a real pleasure to second his nomination."

#### REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, I would like also as a small farmer from western Washington to echo the remarks that have already been made with regard to Gary Strohmaier. I have known Gary for quite a while, and I know Gary would serve in this position with distinction. As you know, I am primarily in pigs. The new Governor and I have some things in common. We both have goats, and I think that I certainly want to add to the recommendation with regard to Gary for this position."

#### APPOINTMENT OF GARY STROHMAIER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Francis, Peterson—2.

## PERSONAL PRIVILEGE

Senator Talley: "Senator Hayner, seeing that the women have now been liberated, I feel it my duty to remind you this was your maiden speech and was made by a beautiful maiden, but it has been the custom of the Senate to pass out candy and cigars."

## MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, January 31, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, January 31, 1977.

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 Fleming, Francis, Grant, Hayner, Herr, McDermott, Pullen, Ridder and Scott. On motion of Senator Odegaard, Senators Fleming, Francis, Grant, Herr, McDermott and Ridder were excused. On motion of Senator Jones, Senators Hayner and Scott were excused.

The Color Guard consisting of Pages Kristy Kennedy and Gordon Bluechel presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, CREATOR OF EACH ONE OF US; THE ONE WHO HAS GRANTED US THE GIFTS OF WISDOM AND RESPONSIBILITY, AND THE URGE TO SEEK FOR TRUTH AND JUSTICE, WE COME BEFORE YOU AT THE BEGINNING OF ANOTHER WEEK TO SEEK YOUR PRESENCE IN ALL THAT IS DONE DURING THESE COMING DAYS.

"WE JOIN OUR HEARTS IN PRAYER, ASKING FOR UNDERSTANDING AND KNOWLEDGE BEYOND OUR OWN, AND FOR GUIDANCE IN DEALING WITH PROBLEMS BEYOND THE MEASURE OF OUR BEST EFFORTS. IN THIS MOMENT MAY WE FIND THAT YOU ARE REACHING OUT TO US AS WE REACH OUT TO YOU, AND MAY WE DISCOVER THAT WHEN WE ARE WILLING TO LISTEN, THEN YOU WILL SPEAK WITHIN US. AMEN."

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President announced the presence in the Senate Chamber of the Honorable Cecilia Nettelbrandt, Sweden's Consul General for the Western United States and appointed Senators Odegaard, Walgren, Peterson, Gould, Guess and North as a special committee to escort the honored guest to the rostrum.

**REMARKS BY THE PRESIDENT**

President Cherberg: "Honored members of the Senate, ladies and gentlemen, present in the Senate chamber today is an illustrious guest from Sweden, the Honorable Cecilia Nettelbrandt, who is Sweden's Consul General for the Western United States. The President should like to respectfully request that Senator Odegaard, Senator Walgren, Senator Peterson, Senator Gould—are there any other Scandinavians on the Republican side here—Senator Guess and Senator North, you are from Ballard, would you please act as a committee of honor to escort our illustrious guest to the rostrum."

## REMARKS BY THE PRESIDENT

President Cherberg: "The President should like to respectfully introduce at this time Dave Lewis, Commanding General of the Washington Generals. Would you please step forward, General Lewis, please, and General Willis Tucker, co-founder of the Washington Generals, Marianne Lewis, Secretary of the Washington Generals, and Pat Ward, Adjutant General, of the Washington Generals.

"The newly elected members of the Senate will find certificates indicating that you have been made Washington Generals, and all members of the Senate are cordially invited to attend the annual dinner of the Washington Generals Association on February 22nd, to be held at the Nile Temple in Seattle. Directions, I believe, are enclosed with your invitations."

## REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, it is with the greatest pride and pleasure that the President presents to you at this time the Honorable Cecilia Nettelbrandt, who is Sweden's Consul General for the Western United States. The Honorable Consul General assumed her position on August 1, 1976. The Consul General is in possession of one of the most fabulous records in politics in the history of Sweden.

"After taking degrees in economics and law, Mrs. Nettelbrandt was first elected to local political office, and a few years later, was elected to the Swedish Parliament, serving as the Deputy Speaker from 1971 through 1976, and left this position to become Sweden's Consul General in San Francisco.

"Mrs. Nettelbrandt's record is marked with service on the Nordic Council and as Director on the Boards of the Bank of Sweden, the Swedish Broadcasting Corporation, the insurance company Trygg-Hansa, and the Swedish Liquor Monopoly, which is certainly evidence that Mrs. Nettelbrandt could be of real service to the state of Washington, inasmuch as we face many problems in these particular areas. Mrs. Nettelbrandt, won't you please favor us with a few remarks."

## REMARKS BY MRS. NETTELBRANDT

Mrs. Nettelbrandt: "Thank you very much, Honorable President and Honorable Senators here. I am really very glad. I am very pleased to have the opportunity to come here today, and when we drive this way and I saw the beautiful nature here, I understood that it is no doubt that the Scandinavians wanted to live here because the nature has so many similarities to the nature in Scandinavia, so I could thought that I was at home. I am happy that many of the Scandinavians also are here in the Senate. I have met, since I came to America, so kind and so friendly people. so, it has been only a pleasure, and I know that it is an understanding between the countries that I think will grow even more and more for years.

"When I hear how you work here in the Senate, I am thinking when I have visited some parliaments on the east side of the world behind the iron border, that it is typical that they work there and make the whole work in say, ten hours in two months, and after that the whole work is ready. When I hear how many hours you spend and compare it with our parliamentary work in Sweden, I think it is typical for our real democracy to work like this. It takes a lot of time, but it is a good system to have it like that.

"Let me finally say that I feel it like a privilege to have the opportunity to say some words here, and I am really ashamed to say that if you come to Sweden, if you had come last year when I sometimes was presiding in the Parliament, if you had come down in the Parliament, you have been taken out, and I have used the gavel to show you did something that you hadn't right to do, and if you had said something in our Parliament, you had been carried out by the waiters. I am ashamed to say

that because we never let someone come in in the Parliament. It is too serious for that in the Scandinavian manner, I think.

"Even because of that, I am especially privileged to have been received in this friendly way as you have shown me. A great success, I wish you, and thank you very much for this moment."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Honorable Consul General. The President at this time should also like to respectfully present to you with great pride and pleasure the Honorable Clifford Benson, Consul of Sweden in Seattle."

#### REMARKS BY MR. BENSON

Mr. Benson: "Thank you, President, and it is a privilege of you honored hosts here, in a sense, to permit the new Consul General to attend this session, and particularly, as she said, to have the privilege of saying a few words and being present with you, which she said is something that probably couldn't have been done in Sweden today.

"I also express my thanks in that it is my responsibility to see that she is treated properly while she is in the Northwest, and you have made it very easy for me. Thanks, again."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Mr. Consul. Consul General, the members of the Washington State Senate have delegated the authority to the President to designate you a Washington General of the Washington Generals Association, and also as an honorary distinguished citizen of our state, and we hope you enjoy your stay in Seattle and the Evergreen state so much that you will become an ambassador of good will so with all of these credentials, that we hope you will remember the members of the Senate, the President, the staff and the Evergreen State. Thank you."

#### REPORTS OF STANDING COMMITTEES

January 28, 1977.

SENATE BILL NO. 2058, prohibiting drivers schools from using DMV test routes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1977.

SENATE BILL NO. 2124, permitting postponement of a call for highway project bids after two weeks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

January 26, 1977.

SENATE BILL NO. 2126, reducing the maximum daily hours of service of trainmen (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Peterson, Sellar, Bailey.

Passed to Committee on Rules for second reading.

January 28, 1977.

SUBSTITUTE HOUSE BILL NO. 169, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

#### MOTION

On motion of Senator Walgren, Substitute House Bill No. 169 was ordered held on the desk of the Secretary of the Senate.

#### MESSAGE FROM THE HOUSE

January 28, 1977.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 51,  
 ENGROSSED HOUSE BILL NO. 59,  
 HOUSE BILL NO. 64,  
 HOUSE BILL NO. 139,  
 HOUSE BILL NO. 141,  
 HOUSE BILL NO. 144,  
 HOUSE BILL NO. 172,  
 HOUSE BILL NO. 173,  
 HOUSE BILL NO. 174,  
 HOUSE BILL NO. 175,  
 HOUSE BILL NO. 176,  
 HOUSE BILL NO. 177,  
 HOUSE BILL NO. 178, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2348, by Senators Van Hollebeke, Washington, Woody, Mardesch and Lewis:

AN ACT Relating to moral nuisances; amending section 1, chapter 127, Laws of 1913 and RCW 7.48.050; amending section 2, chapter 127, Laws of 1913 and RCW 7.48.060; amending section 3, chapter 127, Laws of 1913 and RCW 7.48.070; amending section 4, chapter 127, Laws of 1913 and RCW 7.48.080; amending section 5, chapter 127, Laws of 1913 as amended by section 1, chapter 94, Laws of 1927 and RCW 7.48.090; amending section 6, chapter 127, Laws of 1913 as amended by section 2, chapter 94, Laws of 1927 and RCW 7.48.100; and adding new sections to chapter 127, Laws of 1913 and to chapter 7.48 RCW.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Van Hollebeke, Senator Lewis was permitted as an additional sponsor to Senate Bill No. 2348.



SENATE BILL NO. 2349, by Senators Bottiger, Grant and Mardesich:

AN ACT Relating to industrial insurance; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 21, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.080; adding a new section to chapter 51.32 RCW; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2350, by Senators Grant, Talley and Henry:

AN ACT Relating to industrial insurance; and adding new sections to chapter 51.04 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2351, by Senators Day, von Reichbauer and Buffington:

AN ACT Relating to nursing homes; and amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2352, by Senators Talley, Grant and Sandison:

AN ACT Relating to the definition of "week" for purposes of unemployment compensation; and amending section 37, chapter 35, Laws of 1945 and RCW 50.04.360.

Referred to Committee on Labor.

SENATE BILL NO. 2353, by Senators Scott and Day (by Department of Motor Vehicles request):

AN ACT Relating to the licensing of massage businesses and operators; amending section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010; amending section 2, chapter 280, Laws of 1975 1st ex. sess. as amended by section 57, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.108.020; amending section 3, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.030; amending section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040; amending section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050; amending section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.120; amending section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.140; amending section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170; amending section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.180; amending section 20, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.190; amending section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.200; amending section 22, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.210; repealing section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; repealing section 11, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.100; repealing section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.110; and repealing section 14, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.130.

#### MOTION

Senator Day moved that Senate Bill No. 2353 be referred to the Committee on Social and Health Services.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Day yield to a question? Let's see, you are taking 2353?"

Senator Day: "Yes, that is correct."

Senator Van Hollebeke: "The question that I would like to know, you have the social and health services committee, are you approaching this as a social or a health service?"

Senator Day: "We will consider all aspects of the bill, Senator."

The motion by Senator Day carried. Senate Bill No. 2353 was referred to the Committee on Social and Health Services.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2354, by Senators Van Hollebeke and Ridder:

AN ACT Relating to dispensing opticians; and amending section 9, chapter 43, Laws of 1957 and RCW 18.34.090.

Referred to Committee on Commerce.

SENATE BILL NO. 2355, by Senators Rasmussen, Pullen and von Reichbauer:

AN ACT Relating to consolidation of civil service systems; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 as amended by section 22, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.040; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; amending section 2, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.080; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; repealing section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; repealing section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; repealing section 3, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.030; repealing section 4, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.040; repealing section 5, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.050; repealing section 6, chapter 36, Laws of 1969 ex. sess., section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; repealing section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070; repealing section 8, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.080; repealing section 9, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.090; repealing section 10, chapter 36, Laws of 1969 ex. sess., section 1, chapter 19, Laws of 1971 ex. sess., section 2, chapter 154, Laws of 1973, section 2, chapter 75, Laws of 1973 1st ex. sess., section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; repealing section 11, chapter 36, Laws of 1969 ex. sess., section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110; repealing section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 17, chapter 36, Laws of 1969 ex. sess., section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180; repealing section 19, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.190; repealing section 20, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.200; repealing section 29, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.210; repealing section 31, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.220; repealing section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; repealing section 18, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.900; repealing section 27, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.910; repealing section 30, chapter 36, Laws of 1969 ex. sess. and RCW

28B.16.920; repealing section 28, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.930; prescribing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2356, by Senators Grant and Lewis:

AN ACT Relating to precincts; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; repealing section 1, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.130; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2357, by Senator Pullen:

AN ACT Relating to state correctional institutions; and adding new sections to chapter 72.01 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2358, by Senators Talley, Peterson, Wanamaker, Bottiger, Murray, Goltz and Bluechel:

AN ACT Relating to pilotage; adding new sections to chapter 18, Laws of 1935 and to chapter 88.16 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Talley, Senators Goltz and Bluechel were permitted as additional sponsors to Senate Bill No. 2358.

SENATE BILL NO. 2359, by Senators Beck, Guess, Walgren, Benitz, Bottiger, Bluechel and Sellar:

AN ACT Relating to bicycles; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; and amending section 85, chapter 155, Laws of 1965 ex. sess. as amended by section 39, chapter 62, Laws of 1975 and RCW 46.61.780.

Referred to Committee on Transportation.

SENATE BILL NO. 2360, by Senator Benitz:

AN ACT Relating to bicycles; amending section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; adding a new section to chapter 43.59 RCW; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2361, by Senator Pullen:

AN ACT Relating to a special election for the creation and organization of a new county; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2362, by Senators Grant, Keefe, Donohue, Goltz and McDermott:

AN ACT Relating to revenue and taxation; and amending section 8, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.810.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2363, by Senators Beck, Bottiger, Walgren, Benitz and Sellar:

AN ACT Relating to bicycles; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2364, by Senators Bluechel, Bottiger, Walgren, Benitz and Sellar:

AN ACT Relating to bicycles; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2365, by Senators Fleming, Guess, Henry, Talley and Wanamaker (by Department of Highways request):

AN ACT Relating to highways; amending section 36.75.090, chapter 4, Laws of 1963 and RCW 36.75.090; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12-.080; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.24.020, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1967 and RCW 47.24.020; amending section 47.52.090, chapter 13, Laws of 1961 as amended by section 11, chapter 108, Laws of 1967 and RCW 47.52.090; adding new sections to chapter 47.12 RCW; adding a new section to chapter 47.52 RCW; repealing section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.060; and repealing section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070.

Referred to Committee on Transportation.

SENATE BILL NO. 2366, by Senators Scott, Talley, Newschwander, Buffington, Bausch and Bluechel:

AN ACT Relating to retail sales taxes; and adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Newschwander, Senator Bluechel was permitted as an additional sponsor to Senate Bill No. 2366.

SENATE BILL NO. 2367, by Senators Ridder and Grant (by Department of Labor and Industries request):

AN ACT Relating to industrial insurance; amending section 51.04.040, chapter 23, Laws of 1961 and RCW 51.04.040; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 15, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.018; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030; amending section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175; amending section 14, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.178; amending section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110; amending section 27, chapter 289, Laws of 1971 ex. sess. as amended by section 16, chapter 43, Laws of 1972 ex. sess. and RCW 51.14.020; amending section 28, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.030; amending section 51.16.110, chapter 23, Laws of 1961 as amended by section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110; amending section 51.16.120, chapter 23, Laws of 1961 as amended by section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and

RCW 51.32.110; amending section 51.32.150, chapter 23, Laws of 1961 and RCW 51.32.150; amending section 3, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.220; amending section 51.36.030, chapter 23, Laws of 1961 and RCW 51.36.030; amending section 51.44.040, chapter 23, Laws of 1961 as amended by section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040; amending section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; adding new sections to chapter 23, Laws of 1961 and to chapter 51.04 RCW; adding a new section to chapter 23, Laws of 1961 and to chapter 51.16 RCW; repealing section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010; repealing section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020; repealing section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030; repealing section 51.40.040, chapter 23, Laws of 1961, section 29, chapter 106, Laws of 1973 and RCW 51.40.040; repealing section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050; repealing section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060; repealing section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2368, by Senators Marsh, Clarke, Talley, Buffington, Cunningham and Odegaard:

AN ACT Relating to punishment for crime; making streets safe and protecting society by mandatory confinement of criminals under certain conditions; authorizing sentences for offenders; prohibiting the department of social and health services from permitting certain convicted felons from participating in work release or furlough programs; amending section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200; amending section 1, chapter 24, Laws of 1905 as last amended by section 7, chapter 200, Laws of 1967 and RCW 9.92.060; amending section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; creating new sections; prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

## MOTION

On motion of Senator Marsh, Senator Odegaard was permitted as an additional sponsor to Senate Bill No. 2368.

SENATE BILL NO. 2369, by Senators Grant, Rasmussen, Talley and Ridder:

AN ACT Relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075; and prescribing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2370, by Senators Grant, Wojahn, Day and von Reichbauer:

AN ACT Relating to elections; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.050, chapter 9, Laws of 1965

and RCW 29.30.050; and amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2371, by Senators Walgren, Henry and Guess:

AN ACT Relating to the Model Traffic Ordinance; amending section 50, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.300; amending section 64, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.406; amending section 67, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.415; amending section 71, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.427; amending section 83, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.463; and amending section 111, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.700.

Referred to Committee on Transportation.

SENATE BILL NO. 2372, by Senators Grant, Marsh, Day, Keefe, Goltz and McDermott:

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2373, by Senators Grant, Day, Van Hollebeke, Keefe, Goltz and McDermott:

AN ACT Relating to education; and 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.

Referred to Committee on Education.

SENATE BILL NO. 2374, by Senators Guess and Peterson (by Department of Highways request):

AN ACT Relating to motor vehicles; amending section 46.44.020, chapter 12, Laws of 1961 as last amended by section 7, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.020; amending section 22, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.041; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2375, by Senators Beck, Wanamaker and Bottiger (by Department of Highways request):

AN ACT Relating to ferries; authorizing the sale of general obligation bonds and the use of the proceeds for the acquisition of new ferry vessels; amending section 2, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.505; adding new sections to chapter 47.60 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2376, by Senators Beck, Wanamaker and Bottiger (by Department of Highways request):

AN ACT Relating to highway and ferry bonds; and adding a new section to chapter 66, Laws of 1975-'76 2nd ex. sess. and to chapter 47.10 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2377, by Senators Rasmussen and Henry:

AN ACT Relating to class H liquor licenses; and amending section 1, chapter 20, Laws of 1975-'76 2nd ex. sess. and RCW 66.12.110.

Referred to Committee on State Government.

SENATE BILL NO. 2378, by Senators Lewis, Keefe, Guess and Day (by Department of Highways request):

AN ACT Relating to highways; extending state route number 290; and amending section 105, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.520.

Referred to Committee on Transportation.

## MOTION

On motion of Senator Lewis, Senator Day was permitted as an additional sponsor to Senate Bill No. 2378.

SENATE BILL NO. 2379, by Senators Francis and Herr:

AN ACT Relating to naturopathic physicians; adding new sections to chapter 18.36 RCW; repealing section 13, chapter 36, Laws of 1919 and RCW 18.36.010; repealing section 12, chapter 36, Laws of 1919 and RCW 18.36.020; repealing section 8, chapter 36, Laws of 1919 and RCW 18.36.030; repealing section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; repealing section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050; repealing section 4, chapter 36, Laws of 1919 and RCW 18.36.060; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115; repealing section 14, chapter 36, Laws of 1919 and RCW 18.36.120; repealing section 7, chapter 36, Laws of 1919 and RCW 18.36.130; repealing section 10, chapter 36, Laws of 1919 and RCW 18.36.140; repealing section 9, chapter 36, Laws of 1919 and RCW 18.36.150; repealing section 17, chapter 36, Laws of 1919 and RCW 18.36.165; repealing section 1, chapter 10, Laws of 1925 and RCW 18.36.170; repealing section 2, chapter 10, Laws of 1925 and RCW 18.36.200; repealing section 3, chapter 10, Laws of 1925 and RCW 18.36.210; repealing section 4, chapter 10, Laws of 1925 and RCW 18.36.220; repealing section 5, chapter 10, Laws of 1925 and RCW 18.36.230; repealing section 6, chapter 10, Laws of 1925 and RCW 18.36.240; repealing section 7, chapter 10, Laws of 1925 and RCW 18.36.245; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2380, by Senators Woody, Ridder and Morrison:

AN ACT Relating to wages of employees; and amending section 1, chapter 128, Laws of 1888 as last amended by section 1, chapter 55, Laws of 1971 ex. sess. and RCW 49.48.010.

Referred to Committee on Labor.

SENATE BILL NO. 2381, by Senators Gaspard and Cunningham:

AN ACT Relating to revenue and taxation; amending section 84.69.100, chapter 15, Laws of 1961 as amended by section 4, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.100; and amending section 84.69.140, chapter 15, Laws of 1961 and RCW 84.69.140.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2382, by Senators Gaspard, von Reichbauer, Wojahn, Goltz and Peterson:

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2383, by Senators Woody, Donohue, Scott and Clarke (by Legislative Budget Committee request):

AN ACT Relating to public employment; providing salary surveys and merit incentive pay; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 10, chapter 36, Laws of 1969

ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110; adding new sections to chapter 41.06 RCW; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; repealing section 9, chapter 1, Laws of 1961 and RCW 41.06.090; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2384, by Senators Marsh, Matson and Grant (by Department of Labor and Industries request):

AN ACT Relating to the registration of contractors; and amending section 6, chapter 77, Laws of 1963 and RCW 18.27.060.

Referred to Committee on Commerce.

SENATE BILL NO. 2385, by Senators Henry, Beck and Clarke (by Department of Highways request):

AN ACT Relating to limited access facilities; amending section 3, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.135; amending section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180; adding a new section to chapter 47.52 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2386, by Senators Beck, Sellar and Wanamaker (by Department of Highways request):

AN ACT Relating to highways; amending section 47.28.025, chapter 13, Laws of 1961 and RCW 47.28.025; amending section 47.28.026, chapter 13, Laws of 1961 and RCW 47.28.026; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1973 and RCW 47.28.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2387, by Senators Grant and Morrison (by Department of Labor and Industries request):

AN ACT Relating to the department of labor and industries; amending section 2, chapter 157, Laws of 1967 as amended by section 2, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.350; adding new sections to chapter 43.22 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2388, by Senators Clarke, Donohue and Scott (by Legislative Budget Committee request):

AN ACT Relating to public employment; providing for merit system administration; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 3, chapter 1, Laws of 1961 and RCW 41.06.030; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; amending section 2, chapter ... (.B ...), Laws of 1977 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 13, chapter 1, Laws of 1961 and RCW 41.06.130; amending section 14, chapter 1, Laws of 1961 and RCW 41.06.140; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; amending section 22, chapter 1, Laws of 1961 and RCW 41.06.220; amending section 24, chapter 1, Laws



of 1961 and RCW 41.06.240; amending section 26, chapter 1, Laws of 1961 and RCW 41.06.260; amending section 27, chapter 1, Laws of 1961 and RCW 41.06.270; amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280; amending section 2, chapter 45, Laws of 1969 and RCW 41.06.310; amending section 1, chapter 152, Laws of 1969 ex. sess. and RCW 41.06.350; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; and declaring an emergency.

There being no objections, Senate Bill No. 2388 was referred to the Committee on State Government.

**SENATE JOINT RESOLUTION NO. 111**, by Senators North, Fleming, Lewis and Talley:

Amending the Constitution to authorize cities and counties to become "home rule units" with increased powers.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 51**, by Committee on Labor (Originally sponsored by Representatives King, Charnley, Fischer, Burns and Pruitt):

Defining preschool for purposes of the state unemployment compensation laws.

Referred to Committee on Labor.

**ENGROSSED HOUSE BILL NO. 59**, by Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino:

Providing for collective bargaining at the state institutions of higher education.

Referred to Committee on Labor.

**HOUSE BILL NO. 64**, by Representatives Nelson (Gary), Ehlers, Knedlik, Lee, May, Polk, Sanders, Struthers and Taller:

Abolishing inactive or obsolete boards and commissions.

Referred to Committee on State Government.

**HOUSE BILL NO. 139**, by Representatives Polk, Amen, Shinpoch, Flanagan and Oliver (by Legislative Budget Committee request):

Deleting obsolete powers of town supervisors.

Referred to Committee on Local Government.

**HOUSE BILL NO. 141**, by Representatives Flanagan, Amen, Shinpoch, Polk, Knedlik and Oliver (by Legislative Budget Committee request):

Deleting obsolete requirements for guideposts.

Referred to Committee on Local Government.

**HOUSE BILL NO. 144**, by Representatives Polk, Shinpoch, Amen and Flanagan (by Legislative Budget Committee request):

Deleting obsolete provisions for county homesite lands.

Referred to Committee on Local Government.

**HOUSE BILL NO. 172**, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction - Repeals RCW sections to correct education code.

Referred to Judiciary Committee.

HOUSE BILL NO. 173, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 41.05.020 and 41.06.110.

Referred to Judiciary Committee.

HOUSE BILL NO. 174, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 43.17.010 and 43.17.020.

Referred to Judiciary Committee.

HOUSE BILL NO. 175, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 46.16.210.

Referred to Judiciary Committee.

HOUSE BILL NO. 176, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 67.08.003.

Referred to Judiciary Committee.

HOUSE BILL NO. 177, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 70.95.040.

Referred to Judiciary Committee.

HOUSE BILL NO. 178, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction – Corrects double amendment to RCW 82.04.291.

Referred to Judiciary Committee.

There being no objection, additional sponsors were permitted on Senate Bills 2348, 2358, 2359, 2362, 2363, 2364, 2365, 2366, 2368, 2369, 2370, 2372, 2373, 2378, 2382, 2383; Senate Joint Resolution 111.

#### MOTION

At 11:40 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 12:25 p.m.

#### MOTION

At 12:26 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, the President declared the Senate to be at ease.

The President called the Senate to order at 2:10 p.m.

#### MOTION

On motion of Senator Jones, Senator Pullen was excused.

#### MOTION

On motion of Senator Donohue, Substitute House Bill No. 169 was advanced to second reading.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 169, by Committee on Appropriations (originally sponsored by Representatives Shinpoch, Blair and McKibbin) (by Governor Evans request): Adopting a supplemental budget.

REPORT OF STANDING COMMITTEE

January 28, 1977.

SUBSTITUTE HOUSE BILL NO. 169, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. That a supplemental budget as set forth in sections 2 through 19 of this 1977 amendatory act is hereby adopted and subject to the provisions set forth in sections 2 through 19 of this 1977 amendatory act, the several amounts specified in sections 2 through 19 of this 1977 amendatory act, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE SUPREME COURT

General Fund Appropriation .....	\$	44,000
Total Appropriation .....	\$	44,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for indigent appeals, and the average amount paid to attorneys for indigent appeals shall not exceed \$500.

NEW SECTION. Sec. 3. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	100,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$75,000 shall be expended for the payment of criminal cost bills for the remainder of the 1975-77 biennium;

(2) Not more than \$25,000 shall be expended for the additional superior court judge in Lewis County provided for in chapter 79, Laws of 1975-'76 2nd ex. sess.

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE

General Fund Appropriation .....	\$	684,000
Total Appropriation .....	\$	684,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the initiative and referendum program.

**NEW SECTION. Sec. 5. FOR THE DATA PROCESSING AUTHORITY**

Highway Safety Fund Appropriation .....	\$	45,000
Motor Vehicle Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	145,000

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for conversion costs at data processing service center number 3.

**NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	100,000

The appropriation contained in this section shall be expended for the cost associated with the reclassification of revenue auditors granted by the State Personnel Board effective December 10, 1976.

**NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation .....	\$	79,000
Facilities and Services Revolving Fund Appropriation .....	\$	344,000
Total Appropriation .....	\$	423,000

(1) \$65,000 of the general fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the maintenance and upkeep of Northern State Hospital for the period beginning January 1, 1977, and ending June 30, 1977.

(2) \$14,000 of the general fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended in the form of a grant to the Skagit Regional Planning Council. No funds shall be expended for this purpose until such time as a \$55,000 grant from the Economic Development Administration has been secured.

(3) The \$344,000 facilities and services revolving fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for cost overruns caused by unanticipated inflationary increases in electricity, natural gas, and fuel oil used in the Capitol Campus Buildings for the remainder of the 1975-77 biennium.

**NEW SECTION. Sec. 8. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	20,000
Total Appropriation .....	\$	20,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the conduct of certified public accountant examinations and inflationary costs.

**NEW SECTION. Sec. 9. FOR THE ENERGY FACILITIES SITE EVALUATION COUNCIL**

General Fund Appropriation .....	\$	46,000
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Total Appropriation ..... \$ 46,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$10,000 of the appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the costs of preparing and certifying records for court purposes and for Attorney General services in defense of the state in the Satsop national pollutant discharge elimination system permit and Skagit lawsuits;

(2) \$18,500, or so much thereof as may be necessary, shall be expended exclusively for costs related to the Northern Tier Pipeline Company application;

(3) \$11,000, or so much thereof as may be necessary, shall be expended exclusively for costs related to the anticipated Transmountain Pipeline Company application;

(4) \$6,500, or so much thereof as may be necessary, shall be expended exclusively for additional Attorney General services of the Assistant Attorney General permanently assigned to the council.

**NEW SECTION. Sec. 10. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund Appropriation ..... \$ 1,500  
 Total Appropriation ..... \$ 1,500

The appropriation contained in this section shall be expended exclusively for Attorney General services, to the county road administration board, should the Day Labor case, Board of County Commissioners of Snohomish County vs. Ronkin, cause # 44310, Superior Court for Snohomish County, be appealed to an appellate court.

**NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation ..... \$ 288,000  
 Total Appropriation ..... \$ 288,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for payments to victims of crime.

**NEW SECTION. Sec. 12. FOR THE MEXICAN-AMERICAN AFFAIRS COMMISSION**

General Fund Appropriation ..... \$ 6,500  
 Total Appropriation ..... \$ 6,500

The appropriation contained in this section shall be subject to the following condition and limitation: \$6,500, or so much as may be necessary, shall be expended exclusively for travel and per diem expenses connected with the regular meetings of the commission.

**NEW SECTION. Sec. 13. FOR THE STATE BOARD OF COMMUNITY COLLEGE EDUCATION**

Community College Capital Projects Account Appropriation ..... \$ 200,000

Total Appropriation .....	\$	200,000
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The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to complete the construction and equipping of the physical education facility at Walla Walla Community College.

**NEW SECTION. Sec. 14. FOR THE STATE BOARD OF COMMUNITY COLLEGE EDUCATION**

**Community College Capital Projects Account**

Appropriation .....	\$	625,000
Total Appropriation .....	\$	625,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to design, construct, and equip the third floor auditorium for drama at Seattle Central Community College.

**NEW SECTION. Sec. 15. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Fund Appropriation .....	\$	700,000
Total Appropriation .....	\$	700,000

The appropriation contained in this section shall be transferred to the Tort claims revolving fund to be expended exclusively for payment of claims on behalf of the Department of Highways during the period July 1, 1975, through June 30, 1977.

**NEW SECTION. Sec. 16. FOR THE STATE TREASURER—TRANSFERS**

**Community College Bond Retirement Fund**

Appropriation .....	\$	825,000
Total Appropriation .....	\$	825,000

The appropriation contained in this section shall be transferred to the General Fund—Community College Capital Projects Account on or before June 30, 1977.

Sec. 17. Section 61, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

**(1) GENERAL ADMINISTRATION.**

General Fund Appropriation—State .....	\$	5,082,245
General Fund Appropriation—Federal .....	\$	3,181,567
Total Appropriation .....	\$	8,263,812

The appropriations contained in this subsection shall be subject to the following conditions or limitations:

(a) The department shall expend not more than 335.0 FTE staff years within the general administration category during the 1975–77 biennium;

(b) \$313,762 of the General Fund Appropriation—State contained in this subsection shall be

expended exclusively for conversion costs at data processing service center number 3.

(2) PERSONNEL.

General Fund Appropriation—State .....	\$	1,868,179
General Fund Appropriation—Federal .....	\$	1,169,509
Total Appropriation .....	\$	3,037,688

The appropriations contained in this section shall be subject to the following condition or limitations: The department shall expend not more than 150.0 FTE staff years within the personnel category during the 1975-77 biennium.

(3) INFORMATION SYSTEMS.

General Fund Appropriation—State .....	\$	6,713,530
General Fund Appropriation—Federal .....	\$	4,179,205
Total Appropriation .....	\$	10,892,735

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 570.0 FTE staff years within the information systems category during the 1975-77 biennium.
- (b) \$562,073 (including \$224,829 from federal funds) and a staffing level not to exceed 30.0 FTE's shall be expended to upgrade information systems.
- (c) \$343,774 (including \$137,510 from federal funds) and a staffing level not to exceed 30.0 FTE staff years shall be expended for workload increases,
- (d) \$413,530 (including \$165,413 from federal funds) shall be expended for twice-monthly payments.

(4) COLLECTIONS AND DISBURSEMENTS.

General Fund Appropriation—State .....	\$	4,855,873
General Fund Appropriation—Federal .....	\$	3,257,739
Total Appropriation .....	\$	8,113,612

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 569.1 FTE staff years within the collections and disbursements category during the 1975-77 biennium.
- (b) \$672,151 (including \$268,861 from federal funds) and a staffing level not to exceed 52.6 FTE's shall be expended for increased workload.
- (c) \$358,673 (including \$143,470 from federal funds) and 28.5 FTE's shall be utilized for increased non-assistance support collection.

(5) OPERATING AND FISCAL AUDIT SERVICES.

General Fund Appropriation—State .....	\$	4,444,599
General Fund Appropriation—Federal .....	\$	2,772,214
Total Appropriation .....	\$	7,216,813

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 386.0 FTE staff years within the operating and fiscal audit services category during the 1975-77 biennium.
- (b) \$678,362 (including \$261,169 from federal funds) and a staffing level not to exceed 36.0 FTE's shall be expended for increased nursing home auditors.
- (c) \$705,478 (including \$271,609 from federal funds) and a staffing level not to exceed 28.0 FTE's shall be expended for increased performance and fiscal audit teams.
- (d) \$272,466 (including \$108,987 from federal funds) and a staffing level not to exceed 18.0 FTE's shall be expended for increased fraud investigators.
- (e) \$205,980 (including \$82,392 from federal funds) and 12.0 FTE's shall be utilized for increased operational review.
- (f) \$349,805 (including \$139,922 from federal funds) and 18.0 FTE's shall be expended for increased audit staff.

**(6) FISCAL SERVICES.**

General Fund Appropriation—State .....	\$	4,341,996
General Fund Appropriation—Federal .....	\$\$	2,711,199
Total Appropriation .....	\$	7,053,195

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 479.8 FTE staff years within the fiscal services category during the 1975-77 biennium.
- (b) \$429,650 and 28.0 FTE staff years (including \$171,860 from federal funds) shall be expended for increased accounting workload.

**(7) SPECIAL PROJECTS.**

General Fund Appropriation—Federal .....	\$	6,611,187
Total Appropriation .....	\$	6,611,187

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 65.0 FTE staff years within the special projects category during the 1975-77 biennium.

**(8) PROGRAM SUPPORT.**

General Fund Appropriation—State .....	\$	5,586,473
General Fund Appropriation—Federal .....	\$	3,701,822
Total Appropriation .....	\$	9,288,295

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 455.8 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$424,975 (including \$163,615 from federal funds) and a staffing level not to exceed 16.0 FTE's shall be expended for industrial engineers.
- (c) \$315,577 (including \$126,231 from federal funds) and 19.0 FTE's shall be expended for increased quality control in SSI and Title XIX and for standard setting and program analysis.



- (d) \$764,940 (including \$430,211 from federal funds) and 48.8 FTE's shall be expended for augmenting productivity efforts.
- (e) \$171,176 (including \$68,470 from federal funds) shall be expended for twice-monthly payment support.

Sec. 18. Section 62A, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REAPPROPRIATIONS**

General Fund Reappropriation—State .....	\$ ((6,989,000))	<u>7,368,036</u>
General Fund Reappropriation—Federal .....	\$	<u>350,952</u>
Total Reappropriation .....	\$ ((7,339,952))	<u>7,718,988</u>

The reappropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$6,477,000 shall be for medical services and supplies not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose. Within this amount, the following programs shall be included:
  - (a) Mental health, \$175,000;
  - (b) Income Maintenance, \$2,000;
  - (c) Community social services, \$300,000; and
  - (d) Medical assistance, \$6,000,000.

(2) \$512,000 shall be for grants to communities for mental retardation construction grants from the developmental disabilities program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

(3) \$350,952 from federal funds shall be for innovation and expansion projects in the vocational rehabilitation program not in excess of the unexpended balance of the 1973-75 appropriation or allotments for this purpose.

(4) \$147,300 shall be for payment of 1973-75 vendor billings for the Washington state penitentiary not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

(5) \$231,736 shall be for payment of 1973-75 O.A.S.D.I. payroll taxes within the administration and supporting services program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

**NEW SECTION. Sec. 19. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation .....	\$	2,964,000
Total Appropriation .....	\$	2,964,000

**NEW SECTION. Sec. 20. FOR THE SENATE**

General Fund Appropriation .....	\$	2,603,000
Total Appropriation .....	\$	2,603,000

**NEW SECTION. Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title after "AN ACT" strike the remainder of the title and insert "Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations;

amending section 61, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 62A, chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Donohue, the following amendment to the committee amendment was adopted:

On page 4, line 5, insert the following new section:

"NEW SECTION. Sec. 8. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation .....	\$	39,000
Total Appropriation .....	\$	39,000

The appropriation contained in this section shall be exclusively for unanticipated legal costs attributable to litigation in State v. Herrmann, Thurston County No. 54529: PROVIDED, That in the event the Insurance Commissioner should receive an allocation from the Governor's Emergency Fund in an amount needed to pay these unanticipated legal expenses, this appropriation shall be null and void: PROVIDED FURTHER, That the funds hereby appropriated shall be expended only as actually needed to pay such unanticipated legal expenses, and that any unexpended portion of this appropriation shall be reverted to the state general fund."

Senator Walgren moved adoption of the following amendment by Senators Walgren, Marsh and Sandison to the committee amendment:

On page 12, lines 19 and 20, strike "\$2,964,000" and insert "\$5,365,000" and on lines 22 and 23 strike "\$2,603,000" and insert "\$4,439,000".

POINT OF INQUIRY

Senator Clarke: "Thank you, Mr. President. Would Senator Donohue yield to a question? Senator, as I understand the bill as it existed prior to this particular amendment, it would have provided in substance for the funding as to both Houses at the level set, in effect, by each House for a period of sixty days. Is that correct?"

Senator Donohue: "That is correct, Senator."

Senator Clarke: "Thank you, Senator Donohue."

Debate ensued.

Senator Matson demanded a roll call and the demand was sustained by Senators Benitz, Clarke, Goltz, Bailey, Newschwander, Lewis, Morrison, Wanamaker and Grant.

PARLIAMENTARY INQUIRY

Senator Matson: "Parliamentary inquiry. I have an amendment on the desk which I probably will offer if this amendment carries. Will that be in order? It has to do with the vouchering of per diem if they proviso on in that section."

REPLY BY THE PRESIDENT

President Cherberg: "In answer to your inquiry, Senator Matson, the President believes that the two amendments would be in order."

The President declared the question before the Senate to be the roll call on the amendment by Senators Walgren, Marsh and Sandison to the committee amendment.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Jones, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Sellar, Wanamaker—21.

Excused: Senators Hayner, Pullen, Scott—3.

Senator Matson moved adoption of the following amendments to the committee amendment:

On page 12, section 19, after line 20 insert:

"PROVIDED, That all per diem payments made to members of the House of Representatives from this appropriation shall be disbursed only pursuant to a showing of actual expenditures by voucher."

On page 12, section 20, after line 23 insert:

"PROVIDED, That all per diem payments made to members of the Senate from this appropriation shall be disbursed only pursuant to a showing of actual expenditures by voucher."

On motion of Senator Walgren, the amendments by Senator Matson to the committee amendment, were laid upon the table.

On motion of Senator Walgren, the following amendment to the committee amendment was adopted:

On page 1, line 6, after "through" strike "18" and insert "19".

On page 1, line 8, strike "18" and insert "19".

On page 1, line 9, strike "18" and insert "19".

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, Substitute House Bill No. 169, 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 Goltz: "Would Senator Donohue yield? Senator Donohue, in reading through the committee ways and means amendment to House Bill 169, I do not find any reference to the human rights commission, and I do not have access to the spread sheet from the House.

"First of all, was there an appropriation in the House version of the bill?"

Senator Donohue: "Yes, Senator, there was, and may I explain this? I am sorry, I intended to do this, but it slipped my mind. The House appropriation for the human rights commission was a hundred and fourteen thousand dollars. Those dollars were to be used exclusively for new hires, Senator, and this deletion of this reflects the hiring freeze put on by Governor Ray. And we have, I am sure that Senator Fleming is very much aware of this. He was in touch with me regarding this particular situation, and we intend, of course, to consider further appropriations during the regular budget period."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Goltz yield to a question? Senator Goltz, I wonder if you have had an opportunity to screen the number of cases they have to determine—or if the boards themselves have a screening process to determine those that are frivolous and those that have some substance to them. Have you looked at the case load to know whether it is justified?"

Senator Goltz: "Senator Rasmussen, I have examined the case load. In my judgment the claim that they made for increased staff and requirement is at least partially justified. I think that the long time that cases are now under investigation before they are resolved is bad public policy for industry, for the small business and for the persons involved, and I would defend to my death your right to agree with me."

Senator Rasmussen: "I would wonder if we should examine the procedures over there, and see if there is one way that we could speed them up. I agree with you."

## POINT OF INQUIRY

Senator Grant: "Will Senator Donohue yield to another question? Along the same lines as the question by Senator Goltz, Senator Donohue, I understand the human rights commission staffing currently is lower than that that was authorized by statute for the biennium. The staffing is not as we had anticipated it currently. Can you respond to that because I am concerned too with the tremendous backlog as it has been expressed, and I think it is going to take additional staffing in order to meet that requirement."

Senator Donohue: "Senator, in response, as I remember during the analysis of this particular request, it indicated, not that they were understaffed at the present time relative to their previous appropriation, but that they were understaffed as it related to the load of work that they have before them. Consequently, they were requesting additional people, and my response further would be that this is something that will be considered in the main budget. I have talked to Senator George Fleming, one of the other people who are running for Congress, and he has been assured by me that this will be a matter that we will be considering in the major budget. But I am sure that we are talking about people that, in addition, that they want to solve their overload, and I agree they do have a problem."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 169, 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, Bausch, Beck, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Odegard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis, Mardesich, Matson, Morrison, Murray, Newschwander, North, Sellar, Wanamaker—17.

Excused: Senators Hayner, Pullen, Scott—3.

SUBSTITUTE HOUSE BILL NO. 169, as amended by the Senate, having received the constitutional majority, was declared passed. 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, Substitute House Bill No. 169, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2099, by Senators Rasmussen, Newschwander and Bausch (by State Treasurer request):

Authorizing state officials to designate their representatives to the public employees retirement board.

MOTION

On motion of Senator Bailey, Senate Bill No. 2099 was rereferred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

The bill was read the second time by sections.

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

On page 3, line 3, after "proceedings" insert " , to the secretary of the senate, the chief clerk of the house,"

Senator Mardesich moved adoption of the following amendment:

On page 3, line 19, strike all the underscored material on lines 19 and 20 and insert "and may amend the rule at such hearing or any continuance thereof. Any amendment proposed after the hearing will require a refiling of the notice and hearing as provided above"

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Mardesich yield? In the event that at a hearing, a public hearing, certain matters are brought up which show that there is an emergency situation occurring which would require a substantially different amendment than originally proposed, would they have to have a refiling period of thirty days?"

Senator Mardesich: "That is covered under page 4, section 4, line 9 which provides for the emergency type hearings. I have an amendment for there too, but that is where the emergency hearing is provided for."

Senator Woody: "Thank you."

POINT OF INQUIRY

Senator Wilson: "Would Senator Mardesich yield? I am going to ask a question, but I have to make a few remarks leading up to it. Normally, an agency that is going to adopt some proposed rules files them with the code reviser and the public notices are sent out, and a public hearing often is held with respect to the proposed rules. At the hearing various people may object to passage of the proposed rules, and explain how the rules could be improved. Normally then, the hearing is adjourned. The entity that is going to adopt the rules will get together and discuss what happened at the hearing, and decide that some of the changes were meritorious and

some were not, and will amend its proposed rules in accordance with those decisions, and then adopt the rules as amended.

"I come now to the question which is, if your amendment is adopted and this set of circumstances unveiled as I have outlined it, the agency would then, I presume, have to go through the process of refileing with the code reviser, sending out notices and holding a second public hearing on the revised rules. Is that right?"

Senator Mardesich: "I think that with the amendment offered by Senator Clarke, they could merely call for a hearing. They could adjourn to a date certain later and preclude the necessity of the notice. Since all parties who would be interested probably would be at that original meeting and would get notice at that time of the adjournment to a date certain."

Senator Wilson: "So that if the agency were going to change its rules as originally proposed in the slightest, they would be required to have a second public hearing?"

Senator Mardesich: "No, they could adopt right at that meeting."

Senator Wilson: "Well, I guess I am doing this on the assumption, Senator, that often an agency has to reflect on the testimony that was given and decide which changes are valid and which are not, and unless they can make up their minds immediately at the original hearing with respect to each suggested change in the proposed rules, they would then have to hold a second hearing. Is that right?"

Senator Mardesich: "A second hearing or to a date certain adjourn. The reason for that, of course, is to preclude the possibility of an agency making very drastic changes in the proposed rules, well beyond the original scope, then solving their internal problems with a rule which nobody has had notice of."

Senator Wilson: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Mardesich yield to a question. Senator Mardesich, I would just like to propose a hypothetical and see if I have a way around a problem that I envision. Suppose an agency proposed to adopt a rule requiring twenty days notice, and after discussion, decided to go for thirty days, that the notice requirement would be thirty days. Could they under subsection two adopt an emergency thirty day notice rule, and then reschedule the hearing so that they could act on the thirty as opposed to the twenty days? Do you follow me? They published a notice that they intended to adopt a rule requiring twenty days notice for bid opening or something of that nature."

Senator Mardesich: "I would think not because the rule making authority would not take precedence over the statute which on page 2, line 36, requires a thirty day notice."

Senator Bottiger: "As soon as I started that, I realized that I was going to confuse you. Suppose that the highway department proposed to adopt a rule requiring twenty days public notice before a bid opening, and at the hearing it was pointed out that most other statutes require thirty days, therefore they decided to amend their proposed rule from twenty to thirty. Could they adopt it as an emergency rule under subsection 2 on page 3, and then reschedule their hearing on the thirty day notice for bid opening?"

Senator Mardesich: "I don't know that the bidding per se would not fall under rule making, but I still don't follow you because the thirty day requirement is in the statutes, and then why would they change it?"

Senator Bottiger: "What I am looking at is a minor amendment, a discretionary, not a substantive amendment. I have used, for example, notice. It could be that, let's say, that dollar amounts. Any bid of in excess of twenty thousand dollars would require y action. At the hearing they decide to move that from twenty to thirty

thousand dollars would require y action. Could they adopt that rule under the emergency section and then reschedule their hearing?"

Senator Mardesich: "I think they could do it at the meeting under the proposal suggested by Senator Clarke."

Senator Bottiger: "I would like, my purpose is to put this in the Journal that that is a way to handle an emergency situation that came up."

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

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

On page 4, line 9, after "rule is" insert "immediately".

Senator Mardesich moved adoption of the following amendment:

On page 5, line 7, after "legislature" and before the period insert "and submit its decision on the subject to the review committee involved. The committee may accept or reject the agency's position. Rejection shall preclude the implementation of the rule or rules under consideration."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Mardesich yield? Senator Mardesich, reading the language of your amendment, I am in concurrence with your view on this thing, but I would like to ask you when you say the committee may accept or reject the agency's position, do you not mean the proposal or the rules and regulations rather than their position?"

Senator Mardesich: "Well, I guess that is what it means and I don't know—I suppose you can—to be quickly amended to reject the agency's proposed rules."

Senator Guess: "I would like it very clear as to what it is."

Senator Mardesich: "That is what it was intended to be."

Senator Guess: "I would like to suggest an oral amendment to that effect."

Senator Mardesich: "Mr. President, if there is no objection from the Senate, what Senator Guess has proposed is that we change the word 'position' after the word, 'agency's' to 'agency's proposed rule or rules.'"

Senator Guess moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend line 5 of the amendment to page 5, line 7 after "agency's" strike "position" and insert "proposed rule or rules"

#### MOTION

Senator Mardesich moved that Senate Bill No. 2119, as amended, together with the pending amendments by Senators Mardesich and Guess, be held on the second reading calendar for February 1, 1977.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, I am wondering if Senator Odegaard and Senator Donohue have a legislative fiscal note on the amount of time that it would take for us to veto all of these rules? Did we pass enough money in that supplemental budget to—?"

Senator Rasmussen: "After Senator Bottiger, I have been advised that just the passage of this by both Houses that it reduced the number of proposed rules by fifty percent at least."

Senator Odegaard: "Mr. President, I might also say there is nothing mandatory in the bill unless there is something in Senator Mardesich's amendment that would make it mandatory that you would have to either accept or reject, and I don't read that in the amendment. There is nothing mandatory that this complete review would have to be done, and so it depends upon the time and the staff we have available as I see it."

The motion by Senator Mardesich carried. Senate Bill No. 2119, as amended, together with the pending amendments by Senators Mardesich and Guess, was ordered held for the second reading calendar for February 1, 1977.

At 3:20 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 3:23 p.m.

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

#### MESSAGES FROM THE HOUSE

January 31, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 169, and has passed the bill as amended by the Senate, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 169, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 169.

#### MOTION

At 3:24 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, February 1, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



TWENTY-THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 1, 1977.

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 Fleming, Hayner, Marsh and Pullen. On motion of Senator Jones, Senators Hayner and Pullen were excused. On motion of Senator Odegaard, Senators Fleming and Marsh were excused.

The Color Guard, consisting of Pages Vickie Chilla and Rand Weidert presented the Colors. Doctor Henry S. Rahn, Pastor Emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, WE BOW IN GRATITUDE FOR ANOTHER DAY AND FOR ANOTHER OPPORTUNITY TO SERVE YOU AND OUR FELLOW MEN. MAKE US EAGER TO FIND YOU BOTH IN OUR LABOR AND IN OUR LEISURE. WE PRAY FOR A KEEN AWARENESS OF WHAT IS RIGHT AND BEST FOR OUR STATE, AND FOR THE COURAGE AND STRENGTH TO DO IT. AS WE SEE THE NEEDS BEFORE US, FACE THE PROBLEMS ABOUT US, WE PRAY FOR WISDOM IN ASSUMING THE BURDEN OF SOLUTION. 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.

STANDING COMMITTEE REPORT  
GUBERNATORIAL APPOINTMENT

January 28, 1977

JOHN C. HEWITT, to the position of Director of the Department of Labor and Industries appointed by the Governor on January 12, 1977 for the term ending at the pleasure of the Governor, (reported by the Committee on Labor):

Recommends that said appointment be confirmed.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Dr. Arthur Martin, appointed January 27, 1977, for a term ending December 31, 1981, succeeding Dr. Werner Quast as a member of the Public Disclosure Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Diane Oberquell, appointed January 27, 1977, for a term ending April 15, 1980, succeeding E. Bruce Johnson as Chairman of the Board of Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Kazuo "Kaz" Watanabe, appointed January 27, 1977, for a term ending at the pleasure of the Governor, succeeding John S. Larsen as Director of the Department of Commerce and Economic Development.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Walter T. Hubbard, appointed January 27, 1977, for a term ending April 15, 1981, succeeding Ross Peterson as a member of the Board of Trustees for Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Ray Aardal, appointed January 27, 1977, for a term ending July 1, 1977, succeeding A. H. Parker as a member of the Washington State Highway Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. R. Y. Woodhouse, appointed January 27, 1977, for a term ending at the pleasure of the Governor, succeeding Jack G. Nelson as Director of the Department of Motor Vehicles.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, January 28, 1977.

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

LADIES AND GENTLEMEN:

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

Betty McClelland, appointed January 27, 1977, for a term ending at the pleasure of the Governor, succeeding Thomas S. Pryor as Director of the Department of Emergency Services.

Sincerely,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE HOUSE

January 31, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 1,  
HOUSE BILL NO. 18,  
SUBSTITUTE HOUSE BILL NO. 30,  
ENGROSSED HOUSE BILL NO. 91,  
ENGROSSED HOUSE BILL NO. 104,  
HOUSE BILL NO. 180,  
HOUSE BILL NO. 191,  
HOUSE BILL NO. 216,  
HOUSE CONCURRENT RESOLUTION NO. 2, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2389, by Senator Day:

AN ACT Relating to public health laboratories; and adding new sections to chapter 43.20 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2390, by Senator Day:

AN ACT Relating to public assistance; and amending section 3, chapter 30, Laws of 1965 as last amended by section 3, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2391, by Senator Day:

AN ACT Relating to state residential schools; and adding a new section to chapter 72.33 RCW.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2391 was referred to the Committee on Education.

SENATE BILL NO. 2392, by Senator Day:

AN ACT Relating to the administrative procedure act; and amending section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2392 was referred to the Judiciary Committee.

SENATE BILL NO. 2393, by Senator Day:

AN ACT Relating to food stamps; amending section 4, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.500; and repealing section 5, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.505.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2394, by Senator Day:

AN ACT Relating to public assistance; amending section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070; and amending section 20, chapter 164, Laws of 1971 ex. sess. as amended by section 18, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A-.200.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1, by Representatives Conner, Pruitt and Vrooman:

Authorizing port districts to waive or reduce rent security deposits for nonprofit corporations.

Referred to Committee on Local Government.

HOUSE BILL NO. 18, by Representatives Sherman, Knedlik and North:

Adding municipal gasworks to utilities that can get lien for unpaid bill.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 30**, by Committee on Local Government (originally sponsored by Representative Erickson):

Requiring the recording of notices of water and sewer hook-up charges and requiring contracts for the sale of undeveloped lands to include any restrictions on water or sewer facilities.

Referred to Committee on Local Government.

**ENGROSSED HOUSE BILL NO. 91**, by Representatives Erickson, Greengo, Gallagher, Ehlers, Grimm, Hughes, Salatino and Walk:

Excluding any church building or portion thereof maintained by a religious order as an exclusive residence for either clerics or nuns from the definition of nursing home.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 104**, by Representatives King, Berentson, Conner, Erickson, Fortson, Grier, Hansen, Knedlik, Kreidler, Moreau, North, Owen, Pearsall, Sherman, Shinpoch, Struthers, Vrooman and Walk:

Exempting volunteer firemen from the state minimum wage act.

#### MOTION

Senator Walgren moved that Engrossed House Bill No. 104 be placed on today's second reading calendar following Senate Bill No. 2080.

#### POINT OF INQUIRY

Senator Grant: "Mr. President, I just wonder as to the urgency of this measure as a consideration without being considered by one of the standing committees of the Senate. Perhaps someone could speak to that. Senator Walgren? I really question the urgency of this, Senator Walgren. I wonder why it is being placed on the second reading calendar without going through one of the standing committees."

Senator Walgren: "Well, Senator, it wasn't my intention that we handled either one of these bills at this time. My understanding is that we would hold both of these bills and, frankly, this is the request of the chairman of the local government committee. I understand it is exactly the same bill that they have had under consideration in their committee, and I would defer to either Senator Wilson or Senator Woody for further explanation of your question."

#### REMARKS BY SENATOR WOODY

Senator Woody: "I checked with Representative King while we were in caucus. The House bill deals not only with volunteer firemen, but all volunteers. For example, at DSHS there are people who volunteer to drive elderly people in for hot lunches, etc. Representative Dick King has asked that we hold everything until the two, Senator Wilson and Representative King, can discuss the two bills, and then we can take it up tomorrow if it looks like the House bill does not only what Senator Wilson's bill does, but the other matters are good too. Then we can kick it up on second reading and handle it tomorrow."

#### REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, members of the Senate, I would suggest that the orderly process would have the bill go to local government committee rather than being held in limbo, so to speak, for a few days. I am sure Senator Wilson has a great interest in this measure, that he will give it an early hearing, and that it will receive the attention of this Senate before our final adjournment. I would think that

that would be the proper procedure to follow, therefore I am inclined to vote against the motion to keep it on second reading calendar."

#### REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, I just wanted to concur with Senator Grant on this. I think that it seems mighty strange to me that we are starting to circumvent the committee process, and I think that it is totally unnecessary. I don't necessarily agree that it ought to go to local government, but apparently the other one did instead of to labor, but now there is no good reason for it not to go to committee."

#### WITHDRAWAL OF MOTION BY SENATOR WALGREN

Senator Walgren: "I have been persuaded by the overwhelming argument that has been made by my colleagues here with regard to this particular measure, and I certainly have no objection to it taking the regular course of business and going to the appropriate committee, and so therefore, withdraw my motion."

Engrossed House Bill No. 104 was referred to the Committee on Local Government.

HOUSE BILL NO. 180, by Representatives Hanna, Shinpoch, Enbody, Smith, Leckenby and Winsley:

Extending long-arm statute for parties in marriage dissolution cases.  
Referred to Judiciary Committee.

HOUSE BILL NO. 191, by Representatives Shinpoch, Knowles, Smith, Leckenby, Winsley and Knedlik:

Authorizing certain court proceedings in marriage dissolution cases to be expedited.

Referred to Judiciary Committee.

HOUSE BILL NO. 216, by Representatives Bauer, Berentson, Barnes, Heck, Fuller, Hanna, Dunlap, Hawkins, Greengo and Knedlik:

Allowing expenses for school district superintendent candidates who travel for employment interview.

Referred to Committee on Education.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Martinis, Moreau, Greengo, Gaines and Smith:

Petitioning for the formation of a tri-state legislative fisheries committee for Idaho, Oregon and Washington.

Referred to Committee on Natural Resources.

#### SECOND READING

SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2119, as amended January 31, 1977 was ordered to hold its place on the second reading calendar for February 2, 1977.

## SECOND READING

SENATE BILL NO. 2106, by Senators Sellar and Talley:

Increasing the auditor's fee for filing internal revenue service liens and exempting them from the prepayment requirement.

## REPORT OF STANDING COMMITTEE

January 20, 1977.

SENATE BILL NO. 2106, increasing the auditor's fee for filing internal revenue service liens and exempting them from the prepayment requirement (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike all of lines 11 and 12 and insert the following:

"The provisions of RCW 36.18.060 requiring advance payment of fees before performance of services shall not apply to the fees and services under this chapter."

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

The bill was read the second time by sections.

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

On motion of Senator Wilson, Engrossed Senate Bill No. 2106 was advanced to third reading, the second 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. 2106, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Hayner, Marsh, Pullen—4.

ENGROSSED SENATE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2029, by Senators Beck and Washington (by American Revolution Bicentennial Commission request):

Abolishing the American revolution bicentennial commission of the State of Washington.

The bill was read the second time by sections.

On motion of Senator Beck, Senate Bill No. 2029 was advanced to third reading, the second 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. 2029, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, McDermott,

Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Hayner, Marsh, Pullen—4.

SENATE BILL NO. 2029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2074, by Senators Day, Jones and Buffington:

Allowing the hospital commission to employ a staff.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2074 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 Day yield to a question? Not with respect to the amendments, but with respect to the last paragraph of the bill, I note that the commission would be allowed to receive payments from anyone and make arrangements as to the use of those receipts. I assume that sets up a revolving fund, does it?"

Senator Day: "Yes, and what it is related to is studies that the commission is now contemplating some of these, as a matter of fact, relative to their function and relative to the economical function of mutual services, etc. for hospitals, and so it is related to the specific function of rate setting."

Senator Mardesich: "The reason I raised the question is because we have begun to look with somewhat of a disapproving eye on the use of revolving funds and the application for federal funds and the use thereof without legislative appropriation. I know this was part of the law before, but I wonder how do we get a handle on these things, and I assume it is too late to worry about it at this moment."

Senator Day: "You are right, however I would point out this, that this commission, so far at least, has been very responsive to the Legislature and if they don't continue that, Senator, why we can make some amendments in the act."

### POINT OF INQUIRY

Senator Donohue: "Also, Senator Day, on lines 12 and 13, where we changed the right to employ from the department of social and health services to the commission, and I understand what you are trying to do. I am wondering if, in your conversation with members of that commission, if they were not satisfied with the number of employees that they were getting from the department of social and health services, and also do they plan on expanding. It says the commission shall employ such other staff as are necessary to fulfill the responsibility. I am concerned that they might increase their staff above that which they now have under the department of social and health services."

Senator Day: "The answer is that I had a direct conversation with the executive director, Mr. Frank Baker, and he told me that there was no change contemplated in the number of staff."

### POINT OF INQUIRY

Senator Lewis: "Will Senator Day yield, please? Do we understand then, just for personal clarification, can we understand that DSHS will be reduced by the



number of employees that go to work for the hospital commission, there will actually be a net reduction in the number of DSHS employees?"

Senator Day: "Yes, there is a communique on the way to Senator Donohue now so that he can transplant this exact figure from DSHS budget to the budget for the commission."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2074, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Hayner, Marsh, Pullen—4.

SENATE BILL NO. 2074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Sandison, Senate Bill No. 2080 was ordered to hold its place on the second reading calendar for February 2, 1977.

#### SECOND READING

SENATE BILL NO. 2055, by Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request):

Disestablishing the anti-monopoly board.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 2055 was advanced to third reading, the second 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. 2055, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Hayner, Marsh, Pullen—4.

SENATE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### EXCUSED MEMBER NOW PRESENT

Senator Fleming appeared in the Senate Chamber at 12 noon. Since there were no roll calls to reflect his presence after this time, this is noted for the record.

## SECOND READING

SENATE BILL NO. 2008, by Senators Rasmussen and Day:  
Revising authority of the state capitol committee.

## MOTION

Senator Sandison moved that Senate Bill No. 2008 be rereferred to the Committee on State Government.

Debate ensued.

Senator Rasmussen moved that Senate Bill No. 2008 be retained on the second reading calendar.

Debate ensued.

The motion by Senator Sandison carried. Senate Bill No. 2008 was rereferred to the Committee on State Government.

## MOTION

At 12:07 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, February 2, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 2, 1977.

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 Fleming, Francis, Matson and Woody. On motion of Senator Odegaard, Senators Fleming, Francis and Woody were excused. On motion of Senator Jones, Senator Matson was excused.

The Color Guard, consisting of Pages Steve Stirrett and Susan Newhall, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND CREATOR OF US ALL, WE COME TO YOU JUST NOW, ASKING YOU TO HELP US TO EXAMINE OURSELVES THIS DAY, SO THAT WE MAY BECOME AWARE OF OUR OWN REAL MOTIVES AND GOALS. SAVE US FROM SELF-DEFEATING ATTEMPTS TO PLEASE OTHERS TO THE NEGLECT OF FOLLOWING OUR OWN CONVICTIONS ABOUT HOW TO RESPOND TO THE NEEDS OF THE PEOPLE OF THIS STATE.

"GIVE EACH SENATOR AN UNDERSTANDING NOT ONLY OF THE WISHES OF THOSE WHOM HE REPRESENTS, BUT ALSO A VISION OF WHAT YOUR WILL IS, AND WHAT MUST BE DONE TO MEET THE VERY REAL NEEDS OF ALL CITIZENS. GIVE EACH SENATOR THE COURAGE TO WITHSTAND THE PRESSURE OF THE SELFISH, AND GIVE TO THE PEOPLE OF THIS STATE THE VISION TO SEE THE NEEDS OF ALL, AND TO ACCEPT THE SACRIFICES WHICH MUST BE SHARED BY ALL. 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 2, 1977.

SENATE BILL NO. 2078, relating to cremation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 2, 1977.

SENATE BILL NO. 2083, authorizing autopsies (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2123, providing for the filling of vacancies in fire commissioner positions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2156, permitting certain corporations of health care professionals to act as self-insurers against liability (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2157, adding a public member to the medical disciplinary board (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2158, requiring promises of health care cures to be in writing to be valid (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Gould, Herr, North.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2159, permitting a counterclaim for malicious prosecution in the principal action (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Francis, Herr, North, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2221, increasing the number of King County superior court judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 1, 1977.

JIM SHIPMAN, to the position of member of the Board of Trustees of Everett-Edmonds Community College, District No. 5, appointed by Governor on

January 20, 1977 for the term ending April 3, 1978, succeeding George Williams (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

MARGARET HAYS, to the position of member of the Board of Trustees of Everett-Edmonds Community College, District No. 5, appointed by the Governor on January 20, 1977 for the term ending April 3, 1979, succeeding Raymond J. Gould (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

GEORGE HIEBER, to the position of member of the Board of Trustees of Everett-Edmonds Community College, District No. 5, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Claudette R. Cody (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

KENNETH A. FARLAND, to the position of member of the Board of Trustees of Lower Columbia Community College, District No. 13, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Herbert C. Urie (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

BRUCE McPHADEN, to the position of member of the Board of Trustees of Eastern Washington State College, appointed by the Governor on January 20, 1977 for the term ending March 1, 1982, succeeding Morris Shore (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

ELOISE ALVAREZ, to the position of member of the Board of Trustees for Big Bend Community College, District No. 18, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Elma Galbraith (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.  
Passed to Committee on Rules.

February 1, 1977.

DAVID T. MOODY, to the position of member of the Board of Trustees for Big Bend Community College, District No. 18, appointed by the Governor on January 20, 1977 for the term ending April 3, 1977, succeeding John E. Jones (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

MILDRED JEYNES, to the position of member of the Board of Trustees for Tacoma Community College, District No. 22, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding Lawanna Lee (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 1, 1977.

JERROLD W. MANLEY, to the position of member of the Board of Trustees for Western Washington State College, appointed by the Governor on January 20, 1977 for the term ending March 8, 1977, succeeding Patrick C. Comfort (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2395, by Senators Talley, Bausch and Guess (by Department of Labor and Industries request):

AN ACT Relating to the department of labor and industries; authorizing the department of labor and industries to insure employers of this state against their liability for compensation and benefits for injuries or death under the federal longshoremen's and harbor workers' compensation act; amending section 43.22.030, chapter 8, Laws of 1965 and RCW 43.22.030; adding a new chapter to Title 51 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Labor.

## MOTION

On motion of Senator Talley, Senator Guess was permitted as an additional sponsor to Senate Bill No. 2395.

SENATE BILL NO. 2396, by Senators Odegaard and Talley:

AN ACT Relating to state highway routes; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2397, by Senators Fleming, Ridder and McDermott:

AN ACT Relating to the acquisition and disposition of state highway property; and amending section 1, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12-.280.

Referred to Committee on Transportation.

SENATE BILL NO. 2398, by Senators Matson, Marsh and Walgren:

AN ACT Relating to counties; and amending section 36.70.310, chapter 4, Laws of 1963 and RCW 36.70.310.

Referred to Committee on Local Government.

SENATE BILL NO. 2399, by Senators Bausch, Pullen and Rasmussen:

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 24, Laws of 1975-'76 2nd ex. sess. and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 2400, by Senators Rasmussen, Odegaard and Newschwander:

AN ACT Relating to fiscal management; and adding a new section to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2401, by Senators Goltz, Day, North, Wilson, McDermott, Ridder and Grant:

AN ACT Relating to senior citizens; amending section 1, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.010; amending section 2, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.020; amending section 4, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.040; amending section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.050; and adding a new section to chapter 74.38 RCW.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Goltz, Senators Grant and Ridder were permitted as additional sponsors to Senate Bill No. 2401.

SENATE BILL NO. 2402, by Senators Bottiger, Wanamaker, Walgren, Bluechel and Goltz:

AN ACT Relating to pilotage; and amending section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Bottiger, Senators Bluechel and Goltz were permitted as additional sponsors to Senate Bill No. 2402.

SENATE BILL NO. 2403, by Senators Day and Buffington (by Department of Social and Health Services request):

AN ACT Relating to handicapped person; and amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 15, Laws of 1972 ex. sess. and RCW 28A.10.080.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Day, Senator Buffington was permitted as an additional sponsor to Senate Bill No. 2403.

SENATE BILL NO. 2404, by Senator Rasmussen:

AN ACT Relating to elections; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; 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 prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2405, by Senator McDermott:

AN ACT Relating to education; providing for the voluntary transfer of students between schools within school districts; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2406, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to juvenile probation services; and amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2407, by Senators Rasmussen, Wanamaker and Henry:

AN ACT Relating to intoxicating liquor; and amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010.

SENATE BILL NO. 2408, by Senators Henry, Wanamaker and Rasmussen:

AN ACT Relating to intoxicating liquor; and amending section 79, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 62, Laws of 1971 and RCW 66.08.030.

#### MOTION

Senator Van Hollebeke moved that Senate Bill No. 2407 and Senate Bill No. 2408 be referred to the Committee on Commerce.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Walgren yield? Has the majority leader made a decision as to where liquor bills will go so we avoid these conflicts on the floor, and any reasons why they should go to one or the other? Otherwise we are going to have this going on all of the time."

Senator Walgren: "Senator Mardesich, as you know, we usually leave these decisions really up to the body rather than having a determination of the majority leader. I have never known you to vote any other way, Senator Mardesich, excepting



what you want. I think that these bills this last session to have gone to the state government committee to be specific. We have had, as you well know, a specific committee on liquor control in the past, and sometimes when it appears that there are some major pieces of legislation as it relates to liquor, that it may be necessary to have such a committee. That was not the determination made by the committee on committees at this time, and I would assume that the bill should take the regular course which in the past, more recently as far as I can recall, has been to the state government committee."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, supporting the Chair in sending this to state government, I think it has been the custom since we abolished the liquor control committee that these bills do go to state government if they affect the state liquor control board. However, if it was a bill that maybe took liquor out of the liquor board and put it into the grocery stores or something like that which, heaven forbid, then I think we would put that under commerce."

The motion by Senator Van Hollebeke failed. Senate Bill No. 2407 and Senate Bill No. 2408 were referred to the Committee on State Government.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2409, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to general assistance; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2410, by Senators Day, Grant and Herr:

AN ACT Relating to gambling; adding a new chapter to Title 67 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2411, by Senators Bottiger, Grant and Peterson:

AN ACT Relating to motor vehicles; amending section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. as amended by section 4, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. as amended by section 5, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. as amended by section 6, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. as amended by section 7, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. as amended by section 8, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. as amended by section 9, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. as amended by section 10, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. as amended by section 11, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.120; amending section 18, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.130; amending section 19, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.140; amending section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended

by section 1, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.170; amending section 23, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.180; amending section 24, chapter 47, Laws of 1971 ex. sess. as amended by section 16, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.190; adding new sections to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2412, by Senators Donohue, Henry, Peterson, Herr and Benitz:

AN ACT Relating to state government; and adding new sections to chapter 43.30 RCW.

### MOTIONS

On motion of Senator Donohue, Senator Benitz was permitted as an additional sponsor to Senate Bill No. 2412.

On motion of Senator Washington, Senate Bill No. 2412 was held for referral to February 3, 1977.

SENATE BILL NO. 2413, by Senator Van Hollebeke:

AN ACT Relating to justice courts; and amending section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2414, by Senator Rasmussen:

AN ACT Relating to sabbatical and other leaves; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2415, by Senators Walgren, Woody, Hayner and Henry:

AN ACT Relating to actions against law enforcement officers; and adding a new section to chapter 4.96 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2416, by Senators Walgren, Woody, Clarke and Henry:

AN ACT Relating to controlled substances; and amending section 69.50.505, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.505.

Referred to Judiciary Committee.

SENATE BILL NO. 2417, by Senators Walgren, Clarke, Bailey and Henry:

AN ACT Relating to motor vehicles; amending section 3, chapter 1, Laws of 1969 as amended by section 1, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515; amending section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518; and adding new sections to chapter 46.61 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2418, by Senators Walgren, Murray, Woody, Clarke and Henry:

AN ACT Relating to criminal justice training; amending section 1, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.010; and adding new sections to chapter 43.101 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2419, by Senators Woody, Clarke, Francis and Herr:  
 AN ACT Relating to privacy; and amending section 1, chapter 93, Laws of  
 1967 ex. sess. and RCW 9.73.030.  
 Referred to Judiciary Committee.

#### MOTION

On motion of Senator Herr, Senator Herr was permitted as an additional sponsor to Senate Bill No. 2419.

SENATE BILL NO. 2420, by Senators Marsh, Clarke, Talley, Bailey, Herr, Woody and Jones:

AN ACT Relating to central credit unions; creating new sections; and adding new sections to Title 31 RCW as a new chapter thereof.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2421, by Senators Goltz, Lewis and North:

AN ACT Relating to local government hearing examiners; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 58.17RCW.

Referred to Committee on Local Government.

SENATE JOINT MEMORIAL NO. 103, by Senators Buffington, Guess, Pullen, von Reichbauer, Rasmussen and Herr:

Memorializing the President and Congress to continue to support the Republic of China.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Buffington, Senator Herr was permitted as an additional sponsor to Senate Joint Memorial No. 103.

SENATE JOINT MEMORIAL NO. 104, by Senator Goltz:

Requesting changes in grant procedures for certain federal public works programs.

Referred to Committee on Labor.

There being no objection, additional sponsors were permitted on Senate Bills 2415, 2416, 2417, 2418, 2419, 2420; Senate Joint Memorial 103.

#### SECOND READING

SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2119, as amended on January 31, 1977, was ordered to hold its place on the second reading calendar for February 3, 1977.

#### SECOND READING

SENATE BILL NO. 2080, by Senators Wilson, Bottiger, Bluechel, Hayner and Odegaard:

Exempting local government public safety voluntary services from the state minimum wage laws.

The bill was read the second time by sections.

On motion of Senator Wilson, Senate Bill No. 2080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Wilson yield to a question? Senator Wilson, does not new section 3 on page 4 of the bill include all other subdivisions of government and services other than volunteer firemen?"

Senator Wilson: "To the best of my knowledge it does, Senator. What new section 3 does is make it clear that social security and withholding deductions not be made from payments which are given to volunteers simply to provide them reimbursement for expenses. I wouldn't see any reason why that should not apply to all volunteer efforts."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2080, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

SENATE BILL NO. 2080, having received the constitutional majority, was declared passed. 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 gubernatorial appointments commencing with gubernatorial appointment No. 3.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Senator Rasmussen moved that the appointment of Louis H. Pedersen as Chairman and Member of the Liquor Control Board be confirmed.

#### PERSONAL PRIVILEGE

Senator Clarke: "We have not had an opportunity to caucus with respect to this, and I don't want to delay the Senate for the purpose of caucusing. I just want to advise that these appointments have been listed by rules committee in the order that they appear upon the calendar for the reason that starting with GA number 10 I wish to make a point of order and will at that time. As to all of those prior to GA 10, the point of order would not be validly taken and therefore they should be considered on their respective merits like any other appointment."

The motion by Senator Rasmussen carried and the appointment of Louis H. Pedersen as Chairman and Member of the Liquor Control Board was confirmed.

#### APPOINTMENT OF LOUIS H. PEDERSEN

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Guess—1.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Ridder, the appointment of John C. Hewitt as Director of the Department of Labor and Industries was confirmed.

#### APPOINTMENT OF JOHN C. HEWITT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Mardesich, Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senators Benitz, Bluechel, Hayner, Lewis, Newschwander, Scott—6.

Absent or not voting: Senators Guess, Murray, North—3.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Frederick B. Rosmond as a member of the Board of Trustees, Peninsula Community College, District No. 1, was confirmed.

#### APPOINTMENT OF FREDERICK B. ROSMOND

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Hugh Mathews as a member of the Board of Trustees, Green River Community College, District No. 10, was confirmed.

#### APPOINTMENT OF HUGH MATHEWS

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen; Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Lawrence W. Weinstein as a member of the Board of Trustees, Grays Harbor Community College, District No. 2, was confirmed.

#### APPOINTMENT OF LAWRENCE W. WEINSTEIN

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Mary Henrie as a member of the Board of Trustees, Wenatchee Community College, District No. 15, was confirmed.

#### APPOINTMENT OF MARY HENRIE

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Bob Partlow as a member of the Board of Trustees, Whatcom Community College, District No. 21, was confirmed.

#### APPOINTMENT OF BOB PARTLOW

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott,

Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Scott—1.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of Beverly A. Schoenfeld as a member of the Board of Trustees, Green River Community College, District No. 10, was confirmed.

#### APPOINTMENT OF BEVERLY A. SCHOENFELD

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

On motion of Senator Sandison, the appointment of F. George Warren as a member of the Board of Trustees, Centralia Community College, District No. 12, was confirmed.

#### APPOINTMENT OF F. GEORGE WARREN

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Fleming, Francis, Matson, Woody—4.

#### MOTION

Senator Sandison moved the appointment of Merrily Knutsen as a member of the Board of Trustees, Centralia Community College, District No. 12, be confirmed.

#### POINT OF ORDER

Senator Clarke: "The point of order is that the appointment of Merrily Knutsen is not properly before the Senate for the reason that the position is held by Rene Remund, and that the purported withdrawal of that name by the Governor and the subsequent acquiescence therein by the Senate was unconstitutional, illegal and void, and for that reason the matter should not now be considered by the Senate."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "I realize that the President, in order to be consistent, would have of necessity reject this point of order and I intend to make the same point with respect to the other following or remaining appointments that are presently on the calendar. The distinction between these and those that come before it is that in all instances these relate to appointments which purportedly were withdrawn both by the Governor and the Senate. The preceding ones did not, and in the event that my point of order is overruled, I would ask with the consent of the Senate and without wasting the time of the Senate that it be considered that the same point is made with respect to appointments 11, 12, 15, 16 and 17."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "First, with regard to the request of Senator Clarke that the point of order that he has raised now be made as to the rest of these gubernatorial appointments, I think that is perfectly appropriate and the record should reflect that the same objection is raised as to each one of these individuals. Speaking on the question of the point of order, I think that the Senate will recall the rather lengthy debate that we had at the time that the Governor Ray requested that many of these appointments be returned to her. It was pointed out at that time, very adequately I think, by Senator Marsh that we were indeed considering each one of these appointments individually and, of course, we had lengthy debate. I don't think there is any question but that there was consideration given by this higher body, and of course, as we have pointed out before, the precedent was well set. So, I don't believe that the remarks of Senator Clarke are well taken in this regard, but I certainly recognize his right and probably obligation to make this point for the record."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "I made an error in referring to the numbers of those remaining, and those remaining are 11, 12, 32, 33 and 37, and my remarks were intended to apply to those."

## REMARKS BY SENATOR MARSH

Senator Marsh: "Thank you, Mr. President. Speaking to the point of order raised by Senator Clarke, I would ask that my remarks of January 21, 1977, concerning Senator Clarke's then point of inquiry relating to the rejection of former Governor Evans' appointments be, with the consent of the Senate, considered as having been reiterated on the floor here today.

"It is the position of the members of this side of the aisle who voted in favor of Senator Walgren's motion to comply with the request of Governor Ray to return all of the appointments to the Governor that we voted to reject each of the appointments. It is our position that the vote of January 21, 1977, was in accordance with the precedents of this Senate, and that the vote of January 21, 1977, was a rejection of each of the then pending appointments which had been submitted by former Governor Evans.

"It is our position that the rejection of the prior appointee named by Senator Clarke was constitutional, was legal and was valid.

"I would ask that my remarks be considered as continuing as to Senator Clarke's continuing point of order relating to GA 11, GA 12, GA 32, GA 33 and GA 37."



## REMARKS BY SENATOR CLARKE

Senator Clarke: "That is perfectly agreeable. I would ask also that the argument made on our behalf on the preceding point also be regarded as having been a part of this particular argument. I also might state for the benefit of those on our side, that I intend to file for the record a reason for my voting 'no' on each of these appointments which will have nothing to do with the capability or acceptability of the individuals, but merely on the point of law, and anyone who wishes to join me in that written explanation is welcome to do so."

## RULING BY THE PRESIDENT

President Cherberg: "Members of the Senate, the President, in ruling upon the point of order presented by Senator Clarke, wishes to refer to his remarks of January twenty-first as to the inquiry from Senator Clarke. This is a matter of record in the Journal therefore the President does not feel it necessary to repeat the same remarks, but in essence the Ruling was that the Senate, in its wisdom, may comply with or reject the request of the Governor for the return of the appointments by the Governor's predecessor in office. The members of the Senate are aware that the President does not rule upon constitutional questions, therefore the President rules that the appointments are in order before the Senate."

The motion by Senator Sandison carried and the appointment of Merrily Knutsen as a member of the Board of Trustees of Centralia Community College, District No. 12, was confirmed.

## APPOINTMENT OF MERRILY KNUTSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Fleming, Francis, Matson, Woody—4.

## MOTION

On motion of Senator Walgren, the appointment of Larry Finneman as a member of the Board of Trustees, Olympic Community College, District No. 3, was confirmed.

## APPOINTMENT OF LARRY FINNEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Francis, Matson, Woody—4.

### MOTION

On motion of Senator Sandison, the appointment of Carolyn Powers as a member of the Board of Trustees, Olympic Community College, District No. 3, was confirmed.

### APPOINTMENT OF CAROLYN POWERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Francis, Matson, Woody—4.

### POINT OF INQUIRY

Senator Jones: "Would Senator Beck yield to a question? Does she bake bread, Red?"

Senator Beck: "You bet she bakes bread, and I am telling you she is a lovely—she is an expert. She is a gourmet baker. She can decorate them and make them look nice, too."

### MOTION

On motion of Senator Sandison, the appointment of Ernest W. Conrad as a member of the Board of Trustees, Olympic Community College, District No. 3, was confirmed.

### APPOINTMENT OF ERNEST W. CONRAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Newschwander, North, Pullen, Sellar, Wanamaker—15.

Excused: Senators Fleming, Francis, Matson, Woody—4.

### MOTION

On motion of Senator Peterson, the appointment of Jack Schuster as a member of the Board of Trustees, Skagit Valley Community College, District No. 4, was confirmed.

## APPOINTMENT OF JACK SCHUSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Francis, Matson, Woody—4.

## MOTION

On motion of Senator Sandison, the appointment of Dr. Robert Fernald as a member of the Board of Trustees, Western Washington State College, was confirmed.

## APPOINTMENT OF DR. ROBERT FERNALD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senator Goltz—1.

Excused: Senators Fleming, Francis, Matson, Woody—4.

## STATEMENT FOR JOURNAL

TO: Sid Snyder, Secretary of the Senate

FROM: Senator Clarke

RE: Statement for Senate Journal: Point of Order, February 2, 1977 — Clarification and Reasoning as to Why I Voted Nay on Various Gubernatorial Appointments.

Prefacing my remarks, it again should be stated for the record that it is my contention that the governor (past, present or future) does not have the constitutional or legal right to withdraw appointments after such appointments are presented to the Senate for confirmation or rejection. Also, the only Constitutional and legal action which the Senate may take as to such appointments is to vote on each individually by yeas or nays as to confirmation or rejection and this was not done. Therefore, gubernatorial appointments Numbers 10, 11, 12, 32, 33, and 37 are not valid appointments as these named appointees were appointed to positions which, at this time, are validly and legally held by appointments made by Governor Ray's predecessor, Daniel J. Evans.

It also should be noted for the record that gubernatorial appointments Numbers 13, 18, 20, 21 and 31, whose names were purportedly allowed to be "withdrawn" by the Senate, were later reappointed by Governor Ray. As to these appointments, there is no objection to be entered as it is my contention that the named appointments have

been and still are in the possession of the Senate since appointment by Governor Evans. There are, of course, no objections to be entered regarding appointments to vacant positions or appointments to positions held at the pleasure of the Governor.

I wish to make quite clear that my objections as to the named appointments is made solely on the legal basis stated herein, and as noted in the Journal on January 21, 1977, and is not directed at the individual qualifications or character of the appointees. As to the specific appointments before us today, my contention is as follows: Gubernatorial appointment No. 10 — this position is validly and legally held by Rene Remund. Gubernatorial appointment No. 11 — this position is validly and legally held by Joseph Mentor. Gubernatorial appointment No. 12 — this position is validly and legally held by Kenneth Schmidt. Gubernatorial appointment No. 32 — this position is validly and legally held by Bruce Armstrong. Gubernatorial appointment No. 33 — this position is validly and legally held by Sandy L. Johnson. Gubernatorial appointment No. 37 — this position is validly and legally held by Robert W. Winston, Jr.

Further, I wish to make the following points in relation to this Point of Order:

(1) This Point of Order shall stand as to all appointments involving appointees appointed to positions in which the alleged vacancy occurred as a result of the purported Senate action allowing Governor Ray to withdraw such appointments;

(2) The arguments I presented as recorded in the Senate Journal, January 21, 1977, apply to the present appointments in question and all future appointments in which the alleged vacancy occurred as a result of the purported Senate action allowing Governor Ray to withdraw such appointments.

Signed by: Senator George W. Clarke.

WE, THE UNDERSIGNED SENATORS, CONCUR IN SENATOR CLARKE'S REMARKS:

Signed by: Senators Guess, Newschwander, Wanamaker, Benitz, Lewis, North, Bluechel, Jones, Morrison, Hayner, Gould, Scott, Pullen, Matson, Murray and Cunningham.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 1, 1977.

SENATE BILL NO. 2085, designating regional universities (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2129, requiring a statement of purpose and other information to accompany agency rules (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2129 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2130, requiring amendments to WAC rules to be in bill drafting style (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2130 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2162, ordering demolition of the McKinley Building complex at the Washington veterans' home at Retsil (reported by Committee on State Government):

Recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

There being no objection, Senate Bill No. 2162 was referred to the Committee on Ways and Means.

February 1, 1977.

SENATE BILL NO. 2175, allowing beer and wine to be served in containers other than glasses or bottles (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2190, updating certain laws pertaining to veterans and veterans' affairs (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:36 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, February 3, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 3, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Cunningham, Fleming, Guess and Walgren. On motion of Senator Odegaard, Senators Fleming and Walgren were excused. On motion of Senator Jones, Senators Bluechel, Cunningham and Guess were excused.

The Color Guard, consisting of Pages Dorie Bennett and Chuck McLean, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, WE COME TO YOU IN PRAYER, FREELY CONFESSING OUR NEED FOR YOUR WISDOM IN ORDER TO DEAL ADEQUATELY AND FAIRLY WITH THE ISSUES FACING THESE SENATORS THIS DAY.

"BUT DON'T ALLOW US TO IMAGINE THAT THIS FORMAL PRAYER CAN TAKE THE PLACE OF OUR INDIVIDUAL PRIVATE PRAYERS. MAY THERE ARISE FROM EACH DESK THE SILENT PRAYER THAT SEEKS TO KNOW YOUR WILL. AND MAY NEITHER FOOLISH PRIDE NOR STUBBORN WILL KEEP US FROM RECOGNIZING OUR HUMANNESS AND OUR NEED FOR YOUR GUIDANCE AND INSIGHT. MAY EACH ONE OF US CONFRONT THE TASKS OF THIS DAY WITH PATIENCE AND WITH A VISION OF YOUR WILL. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1977.

SENATE BILL NO. 2019, changing the requirements for legal publications (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2019 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 3, 1977.

HARLAN McNUTT, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on January 12, 1977 for the term ending at the governor's pleasure (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, Herr, McDermott, North, Ridder, Van Hollebeke, Wojahn.  
 Passed to Committee on Rules.

February 3, 1977.

ORIN SMITH, to the position of Director of the Office of Program Planning and Fiscal Management, appointed by the Governor on January 20, 1977 for the term ending at the pleasure of the Governor, succeeding Lee Buffington (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Morrison, Murray, Rasmussen, Scott, Washington, Woody.

Passed to Committee on Rules.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Murray, von Reichbauer, Gould, North and Henry to escort Senator Buffington to the Senate rostrum. Congratulations were extended to the Senator on her engagement.

The committee escorted Senator Buffington to her seat in the Chamber and the committee was discharged.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2412, by Senators Donohue, Henry, Peterson, Herr and Benitz:

AN ACT Relating to state government; and adding new sections to chapter 43.30 RCW.

Referred to Committee on State Government.

Held from February 2, 1977 for committee referral.

SENATE BILL NO. 2422, by Senators North, Mardesich, Jones and Herr:

AN ACT Relating to mandatory retirement of public employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator North, Senator Herr was permitted as an additional sponsor to Senate Bill No. 2422.

SENATE BILL NO. 2423, by Senators McDermott, Bailey, Gould, Grant, Murray, Bottiger, Morrison and Fleming:

AN ACT Relating to education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2424, by Senators McDermott, Bailey, Gould, Grant, Murray, Bottiger, Morrison and Fleming:

AN ACT Relating to education; setting forth "The Citizens for Fair School Funding Basic Program of Education Act of 1977"; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 84.52.052, chapter 15, Laws of 1961 as

last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052; 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 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; amending section 28A.13.040, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.040; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.050; amending section 9, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.070; 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 85, Laws of 1974 ex. sess. and RCW 28A.41.250; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; creating new sections; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; repealing section 11, chapter 66, Laws of 1971 ex. sess. and RCW 28A.41.053; repealing section 28A.41.160, chapter 223, Laws of 1969 ex. sess., section 14, chapter 48, Laws of 1971, section 1, chapter 85, Laws of 1972 ex. sess., section 60, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.41.160; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.080; repealing section 28A.24.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.090; repealing section 28A.24.150, chapter 223, Laws of 1969 ex. sess., section 2, chapter 20, Laws of 1970 ex. sess., section 8, chapter 48, Laws of 1971, section 55, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.150; and making effective dates.

Referred to Committee on Education.

SENATE BILL NO. 2425, by Senators Ridder and Morrison (by Department of Employment Security request):

AN ACT Relating to unemployment compensation; and amending section 60, chapter 35, Laws of 1945 as last amended by section 4, chapter 73, Laws of 1973 and RCW 50.16.010.

Referred to Committee on Labor.

SENATE BILL NO. 2426, by Senators Ridder and Morrison (by Department of Employment Security request):

AN ACT Relating to employment security records; adding a new chapter to Title 50 RCW to be designated as chapter 50.13 RCW; repealing section 50, chapter 35, Laws of 1945, section 3, chapter 215, Laws of 1951, section 1, chapter 255, Laws of 1971 ex. sess. and RCW 50.12.110; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2427, by Senators Ridder, Morrison and Grant (by Department of Employment Security request):

AN ACT Relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; and amending section 10, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090.

Referred to Committee on Labor.



SENATE BILL NO. 2428, by Senators Donohue, McDermott and Newschwander (by Superintendent of Public Instruction request):

AN ACT Relating to education; setting forth "The Basic Program of Education Financial Equalization Act of 1977"; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 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 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; creating new sections; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

Referred to Committee on Education.

SENATE BILL NO. 2429, by Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request):

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. as amended by section 2, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.030; amending section 7, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.070; amending section 8, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.080; amending section 9, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.090; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as amended by section 3, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.100; amending section 11, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.110; amending section 18, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.180; amending section 19, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.190; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 219, Laws of 1975 1st ex. sess. and RCW 19.09.210; amending section 22, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.220; amending section 26, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.260; amending section 28, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.280; amending section 1, chapter 66, Laws of 1973 1st ex. sess. and RCW 19.09.370; adding new sections to chapter 19.09 RCW; repealing section 12, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.120; repealing section 13, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.130; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2430, by Senators Mardesich, Van Hollebeke, Grant, North, Bluechel, Rasmussen, McDermott, Lewis, Murray and Jones:

AN ACT Relating to local government; amending and reenacting section 35.58.020, chapter 7, Laws of 1965 as last amended by section 2, chapter 70, Laws of 1974 ex. sess. and by section 1, chapter 84, Laws of 1974 ex. sess. and RCW 35.58.020; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2431, by Senators Marsh, Henry and Talley:

AN ACT Relating to state memorials; providing for the erection of a statue of Mother Joseph of the Sisters of Providence in statuary hall at the national capitol; and creating new sections.

Referred to Committee on State Government.

SENATE BILL NO. 2432, by Senators Grant, Gaspard, Fleming, Herr, Wojahn, von Reichbauer and Van Hollebeke:

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; and prescribing an effective date.

Referred to Committee on Ways and Means.

### MOTION

On motion of Senator Grant, Senators Wojahn, von Reichbauer and Van Hollebeke were permitted as additional sponsors to Senate Bill No. 2432.

SENATE BILL NO. 2433, by Senators McDermott, North, Goltz, Gaspard, Ridder, Gould, Bottiger, Jones and Buffington:

AN ACT Relating to domestic relations; amending section 3, chapter 291, Laws of 1955 as last amended by section 26, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.030; amending section 6, chapter 291, Laws of 1955 and RCW 26.32.060; amending section 3, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.210; amending section 1, chapter 49, Laws of 1903 as last amended by section 34, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.010; amending section 12, chapter 291, Laws of 1955 and RCW 26.32.120; amending section 1, chapter 82, Laws of 1970 ex. sess. and RCW 26.36.050; adding a new chapter to Title 26 RCW; repealing section 8, chapter 134, Laws of 1973, section 35, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.015; repealing section 4, chapter 291, Laws of 1955, section 3, chapter 134, Laws of 1973, section 27, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.040; repealing section 5, chapter 291, Laws of 1955, section 4, chapter 134, Laws of 1973, section 28, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.050; repealing section 7, chapter 291, Laws of 1955, section 29, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32-.070; repealing section 8, chapter 291, Laws of 1955, section 5, chapter 134, Laws of 1973, section 30, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.080; repealing section 6, chapter 134, Laws of 1973, section 31, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.085; repealing section 13, chapter 291, Laws of 1955 and RCW 26.32.130; and declaring an emergency.

Referred to Judiciary Committee.

There being no objection, Senator Buffington was permitted as an additional sponsor to Senate Bill No. 2433.

SENATE BILL NO. 2434, by Senators McDermott, North, Goltz, Gaspard, Ridder, Gould, Bottiger, Jones and Buffington:

AN ACT Relating to domestic relations; amending section 3, chapter 291, Laws of 1955 as last amended by section 26, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 as last amended by section 27, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as last amended by section 28, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.050; amending section 6, chapter 291, Laws of 1955 and RCW 26.32.060; amending section 7, chapter 291, Laws of 1955 as amended by section 29, chapter 42, Laws of 1975-'76

2nd ex. sess. and RCW 26.32.070; amending section 8, chapter 291, Laws of 1955 as last amended by section 30, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.080; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.210; amending section 1, chapter 150, chapter 251, Laws of 1935 as last amended by section 1, chapter 251, Laws of 1951 and RCW 26.36.010; amending section 1, chapter 49, Laws of 1903 as last amended by section 34, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.010; amending section 12, chapter 291, Laws of 1955 and RCW 26.32.120; amending section 1, chapter 82, Laws of 1970 ex. sess. and RCW 26.36.050; adding new sections to chapter 26.32 RCW; adding a new section to chapter 13.04 RCW; repealing section 6, chapter 134, Laws of 1973, section 31, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.085; repealing section 13, chapter 291, Laws of 1955 and RCW 26.32.130; repealing section 8, chapter 134, Laws of 1973, section 35, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.015; and declaring an emergency.

Referred to Judiciary Committee.

There being no objection, Senator Buffington was permitted as an additional sponsor to Senate Bill No. 2434.

SENATE BILL NO. 2435, by Senators Donohue, Scott and Sandison:

AN ACT Relating to operating fees of institutions of higher education; and amending section 2, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.031.

Referred to Committee on Higher Education.

SENATE BILL NO. 2436, by Senators Talley and Marsh:

AN ACT Relating to food fish and shellfish; adding a new section to chapter 75.32 RCW; and defining crimes.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2437, by Senators Henry, Guess, Beck, Lewis and Woody:

AN ACT Relating to motor vehicles; enacting the interstate compact for school bus safety; adding a new chapter to Title 46 RCW; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2438, by Senators Bottiger and Jones:

AN ACT Relating to life insurance; amending section .23.08, chapter 79, Laws of 1947 and RCW 48..23.080; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2439, by Senators Buffington, Henry and Guess:

AN ACT Relating to the urban arterial board; and amending section 4, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.26.281.

Referred to Committee on Transportation.

SENATE BILL NO. 2440, by Senators von Reichbauer, Day and Goltz:

AN ACT Relating to sales and use taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2441, by Senators Donohue, Keefe and Gaspard:

AN ACT Relating to horse race courses; amending section 3, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.102; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2442, by Senators Donohue, Day and Matson:

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

Referred to Committee on Education.

### MOTIONS

On motion of Senator Ridder, the Committee on Education was relieved from further consideration of Senate Bill No. 2442.

On motion of Senator Ridder, Senate Bill No. 2442 was referred to the Committee on Labor.

There being no objection, additional sponsors were permitted on Senate Bills: 2412, 2423, 2424, 2429, 2430, 2432, 2433, 2434, 2437.

### MOTION

On motion of Senator Marsh, Senate Bill No. 2119 was ordered to hold its place at the beginning of the second reading calendar for February 4, 1977.

### SECOND READING

SENATE BILL NO. 2065, by Senators Odegaard, Clarke, Newschwander and Bausch (by Legislative Budget Committee request):

Deleting obsolete provisions for county homesite lands.

The bill was read the second time by sections.

On motion of Senator Wilson, Senate Bill No. 2065 was advanced to third reading, the second 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. 2065, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Bluechel, Cunningham, Guess, Walgren—4.

SENATE BILL NO. 2065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2126, by Senators Gaspard, Ridder and Morrison:  
Reducing the maximum daily hours of service of trainmen.

## REPORT OF STANDING COMMITTEE

January 26, 1977.

SENATE BILL NO. 2126, reducing the maximum daily hours of service of trainmen (reported by Committee on Labor):

Recommendation: Do pass with the following amendment:

On page 1, line 15, strike "~~((ten)) eight~~" and insert "ten"

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

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

On motion of Senator Ridder, Engrossed Senate Bill No. 2126 was advanced to third reading, the second 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. 2126, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Bluechel, Cunningham, Guess, Walgren—4.

ENGROSSED SENATE BILL NO. 2126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2021, by Senators Odegaard and Talley:

Permitting free passage on the Puget Island Ferry when State Route No. 4 is closed.

The bill was read the second time by sections.

Senator Talley moved adoption of the following amendment:

On page 2, line 18, following subsection (4) add another subsection to read:

"(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the State of Washington shall provide on each ferry landing a portable toilet to accommodate prospective ferry passengers."

## POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator Talley yield? Senator, I notice the word 'prospective.' Does that mean prospective use of the ferry or prospective use of the toilet?"

Senator Talley: "I knew I should have never yielded."

## POINT OF INQUIRY

Senator Bailey: "Would Senator Talley yield? Does this amendment have an emergency clause on it?"

Senator Talley: "Well, I am willing to put it on, sir. Yes. Some of the letters sounded like it was an emergency, yes."

The motion by Senator Talley carried and the amendment was adopted:  
 Senator Mardesich moved adoption of the following amendment:

On page 2, line 13, after "Whenever" insert ", subsequent to the effective date of this act,"

#### POINT OF INQUIRY

Senator Herr: "Would Senator Mardesich yield to a question? Well, you know, being a non attorney, Senator, would this set any kind of precedent on any other runs?"

Senator Mardesich: "Are you suggesting that we ought to put those outhouses on the other ferries, too?"

Senator Herr: "No, I am talking very seriously. You know there is a ferry terminal, you know, from my district. Would this include all—this seems to be for just one area. Is this correct?"

Senator Mardesich: "I think that it is somewhat special interest in nature in that it affects only some of the people in the Senate and those who are traveling on the ferry. I would assume that you could amend it to include those ferries in your district by addition of another section or two."

Senator Herr: "You mean I could possibly amend it."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "I can assure Senator Herr that if we had any other suitable route out of the area when a slide occurred, we wouldn't have any subsidy on this ferry, and I am sure you have other routes."

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

Senator Mardesich moved adoption of the following amendment:

On page 2, line 15, after "conditions" and before the comma insert "and there is no suitable, reasonably short alternate route provided"

Debate ensued.

#### REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, the only danger I see in this possibly—there is an alternate route. In fact, we have a bill in, Senator Talley and I, to improve that route. But it is a very rough road. It is a logging type road with use by logging trucks, and it is not really that safe, as I understand it. Senator Talley, I think, knows more about that than I do. It was in his district many years. That would be the only problem. If you mean that they would have to use that route, it is an unsafe route, and that would be my only concern."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, in response to that, Senator Mardesich, if they were right, I would say it is a suitable, alternate route; I would be very glad to go along with you in getting rid of this whole subsidy, but this alternate route is through Crown-Zellerbach timberlands and it goes around every landing that they have built for the last thirty years."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Because that possibility exists, that is why I threw the words in 'suitable' 'reasonably short', and I am sure that the highway department would be rather reluctant to—and I would assume this is in the nature of a question so that it will be in the record and become evidentiary in case there is any argument

about that, and it is only intended to solve the problem where they can put a short build-around or that type of thing rather than provide that someone goes forty miles through the countryside, or twenty, or ten even, over a bad road."

Debate ensued.

#### POINT OF INQUIRY

Senator Woody: "Would Senator Mardesich yield? As the sponsor of this amendment, is it your intent that the words 'suitable and reasonably short alternate route' when applied to the logging road or the other route mentioned by Senator Talley if it is not in adequate condition so that it can be safely used as an alternate route, would it be your opinion that the highway department, if it selected that road in an unsuitable condition, would be negligent?"

Senator Mardesich: "Yes, it is."

On motion of Senator Odegaard, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the Mardesich amendment to page 2, line 15, as follows:

On line 3 of the amendment, after "alternate" insert "state"

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

#### MOTION

Senator Herr moved that Senate Bill No. 2021, as amended, be ordered held for the second reading calendar on February 4, 1977.

Debate ensued.

#### POINT OF INQUIRY

Senator Matson: "Mr. President, would Senator Odegaard yield to a question? Under this concept, and I have no amendments for the bill, but it seems to me under this concept that if the mountain passes were closed because of inclement weather or slides or snowstorms, then perhaps the state highway department should pay my air fare to come to Seattle or Olympia if I have to. Does that make sense to you?"

Senator Odegaard: "In this particular instance there isn't any immediate medical care, for example, or hospital care with this slide condition. The only route would be through Astoria over the Astoria bridge which would be probably fifty-five or sixty miles from the Cathlamet-Puget Island area, and this would shorten it down to about twenty-five miles and that is the main reason for this, where in the mountain passes you still could be close for emergency medical treatment to the area you would live, I would imagine."

Senator Matson: "You are saying this is a very special situation."

Senator Odegaard: "Yes."

The motion by Senator Herr failed on a rising vote.

On motion of Senator Odegaard, Engrossed Senate Bill No. 2021 was advanced to third reading, the second 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. 2021, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison,

Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Herr, Newschwander, Scott—3.

Excused: Senators Bluechel, Cunningham, Guess, Walgren—4.

ENGROSSED SENATE BILL NO. 2021, having received the 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 Talley: "Senator Buffington, when we have an emergency closure and these rest rooms are placed there, I will ask the highway department to put a sign on them, 'compliments of Senator Buffington.'"

### SECOND READING

SENATE BILL NO. 2059, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request):

Repealing certain obsolete laws relating to agricultural conservation.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 2059 was advanced to third reading, the second 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. 2059, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Bluechel, Cunningham, Guess, Walgren—4.

SENATE BILL NO. 2059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### SECOND READING

SENATE BILL NO. 2066, by Senators Odegaard, Newschwander, Donohue, Woody and Bausch (by Legislative Budget Committee request):

Deleting obsolete requirements for guideposts.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 2066 was advanced to third reading, the second 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. 2066, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Bluechel, Cunningham, Gould, Guess, Murray, Walgren—6.

SENATE BILL NO. 2066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2062, by Senators Day and Jones:  
Revising qualifications for health officers.

REPORT OF STANDING COMMITTEE

January 27, 1977.

SENATE BILL NO. 2062, revising qualifications for health officers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16, after "(1)" strike "Bachelor's" and insert "Master's"

On page 2, line 20, after "A" strike "graduate" and insert "doctoral"

On page 2, line 22, after "the" strike "experience"

On page 2, line 24, after "medicine and surgery" insert ", osteopathy,"

On page 2, line 24, after "state" insert "," and strike the balance of the subsection

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Ridder, Wojahn.

The bill was read the second time by sections.

Senator Day moved that the committee amendments to page 2, lines 16 and 20, be considered and adopted simultaneously.

POINT OF INQUIRY

Senator Mardesich: "Mr. President, I rise to speak against this committee amendment, unless there is at least as far as I am concerned, a stronger showing that the person should be required to have a master's in business administration, public administration, hospital administration, management, nursing and so on, and a doctoral degree having the equivalent of two years of experience as distinguished from a graduate degree. It just seems to me that with these restrictions and higher qualification requirements, we are running the cost of health care up even further than they are today, and it seems to me—I don't know too much about the function of the local health officer, but it seems to me that his function would be primarily administrative, and as such, I see no reason why he should have a master's as distinguished from a bachelor's and a doctor's as distinguished from a graduate. I would like a response as to the question, does this not tend to raise the cost and is it necessary?"

Senator Day: "Responding to Senator Mardesich's inquiry and statement, I would agree first with you, Senator, that it does raise the requirements that are in

the bill. It does however, reduce the requirements that are presently in the statutes, and therefore the answer to your question about cost is that this would tend to reduce cost because the bill still will reduce the requirements from the existing statutory requirements.

"The reason for the committee's raising these was to attempt to find a common ground with the director of the board of health plus some other physicians who were there objecting to anyone having the capacity of health officer, and of course, your other statement I agree with totally. It is administrative and certainly there is available the consultation of a physician when that is indicated. However, in the interests of accomplishing something, and we have passed this, I believe, in the Senate before, and then we have lost it due to this problem. I think that this fairly well satisfies the middle ground and I would hope that you would support the committee's position so that we can accomplish this and at least give this much more latitude to local boards of health."

Debate ensued.

### MOTION

On motion of Senator Woody, Senate Bill No. 2062, together with the pending committee amendments, was ordered to hold its place on the second reading calendar for February 4, 1977.

### SECOND READING

SENATE BILL NO. 2110, by Senators Woody, Talley and Sellar:  
Liberalizing investments available to county clerks.

### REPORT OF STANDING COMMITTEE

January 25, 1977.

SENATE BILL NO. 2110, liberalizing investments available to county clerks (reported by Committee on Local Government)

MAJORITY recommendation: Do pass with the following amendment:

On page 1, on line 15 after "RCW 36.29.020." strike the remainder of the bill and insert: "The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless (1) the funds in litigation in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds in litigation and the income be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED; That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

Litigants who have appeared in matters where funds being held in trusts are two thousand dollars or more shall be entitled to written notice of the provisions of this section from the clerk, if they have made no written request as stated in this section within thirty days of receipt of the funds by the clerk, and if such litigants have not previously received such notice."

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

The bill was read the second time by sections.

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

On motion of Senator Woody, Engrossed Senate Bill No. 2110 was advanced to third reading, the second 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. 2110, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Bluechel, Cunningham, Gould, Guess, Murray, Walgren—6.

ENGROSSED SENATE BILL NO. 2110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2075, by Senators Day, von Reichbauer, Beck, Van Hollebeke, Buffington, Herr, Keefe and Talley:

Excluding convents from nursing home regulation.

The bill was read the second time by sections.

Senator Grant moved adoption of the following amendment by Senators Cunningham, Grant and Buffington:

On page 1, line 14, after "84.36.800" insert "or rectory, monastery, or other institution conducted for the care of the members of the clergy"

## POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Day yield? How large are these institutions that you are exempting?"

Senator Day: "I don't think it makes any difference. The amendment specifically states that only institutions which are for the care of members of the clergy specifically, and I think that that is merely a comparable amendment on the other side of the religious fence."

Senator Bailey: "Senator Day, then what safety factors are you exempting for these people, inspection, and that type of—"

Senator Day: "Well, I am certain that their being exempt is just the same as you would be if you took care of grandpa at home, and he was a member of the family, and I think what this really does is expand that particular concept to the type of facility that houses people that have lived within such an order and would continue to until they die, and of course, just as your family is subject to really no restrictions other than general restrictions on fire and safety."

Senator Bailey: "Mr. President, the reason I asked the question about the size, I think that if you are eliminating fire inspection and things of that sort, size does have a lot to do with it. If you are having fifteen or twenty or thirty people confined in an area not subject to inspection for safety. But I do think that there is no more reason why ministers that are retired should burn up any quicker than people in a nursing home. It just seems like there should be some sort of a state inspection on these people, no matter what it is. Now, if there is one or two, it is a little different, but I really asked that without being facetious."

Debate ensued.

On motion of Senator Mardesich, the following amendments to the amendment by Senators Cunningham, Grant and Buffington were adopted:

Amend the amendment to page 1, line 14 as follows:

On line 3 of the amendment strike "conducted" and insert "operated"

On line 4 of the amendment before "members" strike "the"

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

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

On line 12, strike "conducted" and insert "operated"

On motion of Senator Day, Engrossed Senate Bill No. 2075 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 Francis, Engrossed Senate Bill No. 2075 was ordered placed on the third reading calendar for February 4, 1977.

#### MOTION

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

#### MOTIONS

On motion of Senator Grant, there being no objection, the Committee on State Government was relieved from further consideration of the gubernatorial appointment of Arthur Martin to the Public Disclosure Commission.

On motion of Senator Grant, the gubernatorial appointment of Arthur Martin to the Public Disclosure Commission was referred to the Committee on Constitution and Elections.

#### MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Friday, February 4, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, February 4, 1977.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to President Pro Tempore that all Senators were present except Senators Cunningham, Matson, Sandison, Sellar and Walgren. On motion of Senator Odegaard, Senators Sandison and Walgren were excused. On motion of Senator Jones, Senators Cunningham, Matson and Sellar were excused.

The Color Guard, consisting of Pages Scott Franz and Kelli Keefe, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR GOD AND FATHER, WE OFFER THIS PRAYER AT THIS TIME, NOT AS A MERE GESTURE TO CUSTOM OR CONVENTION, BUT TO RECOGNIZE ONCE AGAIN THAT THIS WORLD IS YOURS, AND THAT WE WHO LIVE HERE BELONG TO YOU, AND THAT THE WAY WE LIVE WITH ONE ANOTHER IS OF CONCERN TO YOU AS WELL AS TO US.

"AND SO MAY WE NOT BE FRIGHTENED NOR DISCOURAGED BY THE PROBLEMS THAT PERPLEX US AND THE TASKS THAT CONFRONT US. RATHER MAY WE GIVE THANKS TO YOU THAT WE HAVE BEEN MATCHED WITH THIS HOUR. HELP US WHEN WE WANT TO DO THE RIGHT THING BUT DO NOT KNOW WHAT IT IS. BUT BOTHER US MIGHTILY WHEN WE KNOW PERFECTLY WELL WHAT WE OUGHT TO DO, BUT REFUSE TO DO IT. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1977.

SENATE BILL NO. 2120, posting the address of a pay phone on the pay phone (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner.

Passed to Committee on Rules for second reading.

February 2, 1977.

SENATE BILL NO. 2180, increasing the maximum limit for revenue of small water companies not subject to regulation (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner.

Passed to Committee on Rules for second reading.

February 4, 1977.

SENATE BILL NO. 2230, authorizing cities, counties, and/or public transportation agencies of contiguous states to enter into agreements for operation of bus services (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1977.

SENATE BILL NO. 2263, revising the laws regulating employment agencies (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

February 3, 1977.

SENATE BILL NO. 2282, simplifying reporting requirements for campaign treasurers (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1977.

SENATE BILL NO. 2356, removing the prohibition against changing precinct boundaries in certain years (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2443, by Senators Ridder, Bailey and Sellar:

AN ACT Relating to electrical inspections; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 62, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.123; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2444, by Senator Goltz:

AN ACT Relating to involuntary commitment of alcoholics; and amending section 14, chapter 122, Laws of 1972 ex. sess. as amended by section 2, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.140.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2445, by Senators Wojahn, Mardesich and Donohue:

AN ACT Relating to automotive repair; and adding a new chapter to Title 46 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2446, by Senator Woody:

AN ACT Relating to deferred compensation.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2447, by Senators Morrison, Wilson and Benitz:

AN ACT Relating to soft tree fruits; and amending section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1965 ex. sess. and RCW 15.28.180.

Referred to Committee on Agriculture.

SENATE BILL NO. 2448, by Senators Mardesich, Woody and Matson (by Department of Natural Resources request):

AN ACT Relating to public lands; amending section 2, chapter 255, Laws of 1927 and RCW 79.01.008; amending section 3, chapter 255, Laws of 1927 and RCW 79.01.012; amending section 4, chapter 255, Laws of 1927 and RCW 79.01.016; amending section 5, chapter 255, Laws of 1927 and RCW 79.01.020; amending section 8, chapter 255, Laws of 1927 and RCW 79.01.032; amending section 105, chapter 255, Laws of 1927 and RCW 79.01.420; amending section 107, chapter 255, Laws of 1927 and RCW 79.01.428; amending section 118, chapter 255, Laws of 1927 as amended by section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472; amending section 126, chapter 255, Laws of 1927 and RCW 79.01.504; amending section 127, chapter 255, Laws of 1927 and RCW 79.01.508; amending section 128, chapter 255, Laws of 1927 as amended by section 1, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.512; amending section 129, chapter 255, Laws of 1927 as amended by section 2, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.516; amending section 130, chapter 255, Laws of 1927 as amended by section 3, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.520; amending section 131, chapter 255, Laws of 1927 and RCW 79.01.524; amending section 1, chapter 168, Laws of 1913 and RCW 79.16.190; adding new sections to chapters 53.32 and 79.01 RCW; repealing section 1, chapter 93, Laws of 1917 and RCW 53.32.010; repealing section 2, chapter 93, Laws of 1917 and RCW 53.32.020; repealing section 3, chapter 93, Laws of 1917 and RCW 53.32.050; repealing section 5, chapter 93, Laws of 1917 and RCW 53.32.060; repealing section 4, chapter 93, Laws of 1917 and RCW 53.32.070; repealing section 6, chapter 93, Laws of 1917 and RCW 53.32.900; and repealing section 189, chapter 255, Laws of 1927 and RCW 79.01.716.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2449, by Senators Ridder and Grant:

AN ACT Relating to public employees' collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2450, by Senators Mardesich, Woody and Matson (by Department of Natural Resources request):

AN ACT Relating to public lands; amending section 1, chapter 255, Laws of 1927 and RCW 79.01.004; amending section 47.12.020, chapter 13, Laws of 1961 as amended by section 1, chapter 156, Laws of 1961 and RCW 47.12.020; amending section 75.24.030, chapter 12, Laws of 1955 and RCW 75.24.030; amending section 42, chapter 255, Laws of 1927 as last amended by section 2, chapter 73, Laws of 1961 and RCW 79.01.168; amending section 43, chapter 255, Laws of 1927 and RCW 79.01.172; amending section 44, chapter 255, Laws of 1927 and RCW 79.01.176; amending section 1, chapter 47, Laws of 1965 as amended by section 1, chapter 54, Laws of 1970 ex. sess. and RCW 79.01.178; amending section 57, chapter 255, Laws of 1927 as amended by section 26, chapter 257, Laws of 1959 and RCW 79.01.228; amending section 76, chapter 255, Laws of 1927 and RCW 79.01.304; amending section 92, chapter 255, Laws of 1927 and RCW 79.01.368; amending section 96, chapter 255, Laws of 1927 as last amended by section 6, chapter 73, Laws of 1961 and RCW 79.01.384; amending section 97, chapter 255, Laws of 1927 as last amended by section 7, chapter 73, Laws of 1961 and RCW 79.01.388; amending section 98, chapter 255, Laws of 1927 as last amended by section 8,

chapter 73, Laws of 1961 and RCW 79.01.392; amending section 102, chapter 255, Laws of 1927 and RCW 79.01.408; amending section 106, chapter 255, Laws of 1927 and RCW 79.01.424; amending section 123, chapter 255, Laws of 1927 and RCW 79.01.492; amending section 124, chapter 255, Laws of 1927 and RCW 79.01.496; amending section 125, chapter 255, Laws of 1927 as amended by section 139, chapter 81, Laws of 1971 and RCW 79.01.500; amending section 137, chapter 255, Laws of 1927 and RCW 79.01.548; amending section 140, chapter 255, Laws of 1927 and RCW 79.01.560; amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568; amending section 150, chapter 255, Laws of 1927 and RCW 79.01.596; amending section 152, chapter 255, Laws of 1927 and RCW 79.01.604; amending section 1, chapter 26, Laws of 1951 as amended by section 2, chapter 129, Laws of 1969 ex. sess. and RCW 79.08.102; amending section 4, chapter 63, Laws of 1967 ex. sess. and RCW 79.08.1062; amending section 1, chapter 386, Laws of 1955 and RCW 79.16.570; amending section 2, chapter 386, Laws of 1955 and RCW 79.16.580; amending section 3, chapter 224, Laws of 1929 as amended by section 1, chapter 76, Laws of 1933 and RCW 79.20.110; adding new sections to chapter 79.01 RCW; repealing section 43.51.100, chapter 8, Laws of 1965 and RCW 43.51.100; repealing section 43.51.110, chapter 8, Laws of 1965 and RCW 43.51.110; repealing section 22, chapter 255, Laws of 1927, section 3, chapter 257, Laws of 1959, section 4, chapter 163, Laws of 1967 and RCW 79.01.088; repealing section 85, chapter 255, Laws of 1927, section 1, chapter 145, Laws of 1945, section 5, chapter 73, Laws of 1961 and RCW 79.01.340; repealing section 99, chapter 255, Laws of 1927, section 4, chapter 147, Laws of 1945 and RCW 79.01.396; repealing section 100, chapter 255, Laws of 1927, section 5, chapter 147, Laws of 1945 and RCW 79.01.400; repealing section 101, chapter 255, Laws of 1927 and RCW 79.01.404; repealing section 110, chapter 255, Laws of 1927 and RCW 79.01.440; repealing section 111, chapter 255, Laws of 1927 and RCW 79.01.444; repealing section 112, chapter 255, Laws of 1927, section 1, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.448; repealing section 113, chapter 255, Laws of 1927, section 37, chapter 257, Laws of 1959 and RCW 79.01.452; repealing section 114, chapter 255, Laws of 1927 and RCW 79.01.456; repealing section 115, chapter 255, Laws of 1927 and RCW 79.01.460; repealing section 116, chapter 255, Laws of 1927 and RCW 79.01.464; repealing section 117, chapter 255, Laws of 1927 and RCW 79.01.468; repealing section 120, chapter 255, Laws of 1927 and RCW 79.01.480; repealing section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484; repealing section 122, chapter 255, Laws of 1927 and RCW 79.01.488; repealing section 134, chapter 255, Laws of 1927 and RCW 79.01.536; repealing section 135, chapter 255, Laws of 1927 and RCW 79.01.540; repealing section 136, chapter 255, Laws of 1927 and RCW 79.01.544; repealing section 138, chapter 255, Laws of 1927 and RCW 79.01.552; repealing section 139, chapter 255, Laws of 1927 and RCW 79.01.556; repealing section 149, chapter 255, Laws of 1927, section 6, chapter 228, Laws of 1967 and RCW 79.01.592; repealing section 192, chapter 255, Laws of 1927 and RCW 79.01.728; repealing section 1, chapter 157, Laws of 1939 and RCW 79.08.080; repealing section 2, chapter 157, Laws of 1939 and RCW 79.08.090; repealing section 2, chapter 26, Laws of 1951 and RCW 79.08.104; repealing section 1, chapter 186, Laws of 1957 and RCW 79.16.375; repealing section 1, chapter 164, Laws of 1953 and RCW 79.16.530; repealing section 2, chapter 164, Laws of 1953 and RCW 79.16.540; repealing section 3, chapter 164, Laws of 1953 and RCW 79.16.550; repealing section 4, chapter 164, Laws of 1953 and RCW 79.16.560; repealing section 1, chapter 224, Laws of 1929 and RCW 79.20.090; repealing section 2, chapter 224, Laws of 1929 and RCW 79.20.100; repealing section 1, chapter 208, Laws of 1907 and RCW 79.20.150; repealing section 2, chapter 208, Laws of 1907 and RCW 79.20.160; repealing section 3, chapter 208, Laws of



1907 and RCW 79.20.170; repealing section 4, chapter 208, Laws of 1907 and RCW 79.20.180; repealing section 9, chapter 164, Laws of 1919 and RCW 79.44.095; repealing section 1, chapter 80, Laws of 1937 and RCW 79.44.120; repealing section 4, chapter 95, Laws of 1907 and RCW 85.05.082; repealing section 1, chapter 140, Laws of 1915 and RCW 86.13.110; repealing section 1, page 357, Laws of 1854, section 1, page 326, Laws of 1860, section 1, page 531, Laws of 1863, section 3271, Code of 1881 and RCW 88.24.010; repealing section 2, page 537, Laws of 1854, section 2, page 531, Laws of 1863, section 3272, Code of 1881, section 1, chapter 49, Laws of 1893 and RCW 88.24.020; repealing section 3, page 531, Laws of 1863, section 3273, Code of 1881 and RCW 88.24.030; repealing section 103, page 94, Laws of 1854, section 1, page 285, Laws of 1877, section 918, Code of 1881, section 30, chapter 69, Laws of 1891, section 1, chapter 18, Laws of 1897 and RCW 88.28.060; and repealing section 1, chapter 158, Laws of 1959.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2451, by Senators Rasmussen, Marsh and Morrison:

AN ACT Relating to property taxes; and amending section 84.08.130, chapter 15, Laws of 1961 as amended by section 156, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.130.

Referred to Committee on Local Government.

SENATE BILL NO. 2452, by Senator Goltz:

AN ACT Relating to alcoholism and intoxication treatment; and amending section 12, chapter 122, Laws of 1972 ex. sess. as amended by section 1, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.120.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2453, by Senators Donohue, Clarke and Henry:

AN ACT Relating to small loan companies; amending section 2, chapter 208, Laws of 1941 as amended by section 1, chapter 212, Laws of 1959 and RCW 31.08.020; amending section 3, chapter 208, Laws of 1941 as amended by section 2, chapter 212, Laws of 1959 and RCW 31.08.030; amending section 4, chapter 208, Laws of 1941 and RCW 31.08.050; amending section 6, chapter 208, Laws of 1941 and RCW 31.08.070; amending section 7, chapter 208, Laws of 1941 and RCW 31.08.080; amending section 8, chapter 208, Laws of 1941 and RCW 31.08.090; amending section 12, chapter 208, Laws of 1941 as amended by section 4, chapter 212, Laws of 1959 and RCW 31.08.150; amending section 13, chapter 208, Laws of 1941 as amended by section 5, chapter 212, Laws of 1959 and RCW 31.08.160; amending section 10, chapter 212, Laws of 1959 and RCW 31.08.173; amending section 15, chapter 208, Laws of 1941 as amended by section 7, chapter 212, Laws of 1959 and RCW 31.08.180; amending section 16, chapter 208, Laws of 1941 as amended by section 8, chapter 212, Laws of 1959 and RCW 31.08.190; and amending section 17, chapter 208, Laws of 1941 as last amended by section 1, chapter 180, Laws of 1967 and RCW 31.08.200.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2454, by Senators Talley, Peterson and Herr:

AN ACT Relating to the certification and regulation of operators responsible for the operation of public water supply systems; adding a new chapter to Title 70 RCW; providing penalties; and making an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 2455, by Senators von Reichbauer and Beck:

AN ACT Relating to ballot propositions; amending section 13, chapter 1, Laws of 1973 as amended by section 6, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.130; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2456, by Senators Rasmussen, Day, Pullen and von Reichbauer:

AN ACT Relating to victims of drunken drivers; adding a new chapter to Title 7 RCW; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2457, by Senators von Reichbauer, Lewis and Gaspard:

AN ACT Relating to elections; amending section 29.81.020, chapter 9, Laws of 1965 as amended by section 2, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.020; and prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2458, by Senators Morrison, Day and North:

AN ACT Relating to transient accommodations; and amending section 2, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.210.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2459, by Senators Pullen, Rasmussen, Lewis, Hayner and von Reichbauer:

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; and providing penalties.

Referred to Committee on Education.

#### MOTION

On motion of Senator Pullen, Senators Hayner and von Reichbauer were permitted as additional sponsors to Senate Bill No. 2459.

SENATE BILL NO. 2460, by Senators von Reichbauer, North and Sandison:

AN ACT Relating to hostels; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2461, by Senators Hayner, Lewis and Wanamaker:

AN ACT Relating to absentee voting; and amending section 29.36.040, chapter 9, Laws of 1965 and RCW 29.36.040.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2462, by Senators von Reichbauer, Sellar and Gaspard:

AN ACT Relating to petition signatures; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200; and amending section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 112, by Senators von Reichbauer, Lewis and Gaspard:

Amending the Constitution to base taxation of historical sites on actual use.

Referred to Committee on Ways and Means.

There being no objection, additional sponsors were permitted on Senate Bills 2456 and 2459.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 2119 was ordered placed on today's second reading calendar following Senate Bill No. 2062.

#### SECOND READING

SENATE BILL NO. 2062, by Senators Day and Jones:

Revising qualifications for health officers.

The Senate resumed consideration of Senate Bill No. 2062. On February 3, 1977, Senator Day moved adoption and consideration of two committee amendments to page 2, lines 16 and 20.

#### POINT OF INQUIRY

Senator Mardesich: "Before the vote is announced, Mr. President, I still would like to raise the question why the degree could be changed from bachelor to master to the doctoral from graduate. I see no necessity for it unless it is merely a matter of compromise in an effort to get it through, and I—."

Senator Day: "Mr. President, Senator Mardesich, in answer to your question, that is exactly what it is. This is an attempt to meet some of the objections of principally the department of social and health services and the health officers who now are opposing the bill because they are all physicians and they want to maintain that. What the bill does is to give more latitude to the local boards of health. We felt that it would be better to raise these requirements and get something done than to get nothing done, and so what we are hoping you will do is to go along with the compromise that the committee has seen fit to reach."

Senator Mardesich: "Will Senator Day yield to another question? That may be the position of the department, but I personally don't feel you need to have a doctoral degree to be an administrator, a doctoral degree in nursing or whatever, does not necessarily make you an administrator, and I wonder whether we should, as a matter of policy, make our own decisions or allow them to push us around with respect—"

Senator Day: "Well, I agree with that except, Senator, that this will also allow a master's degree and, in addition, we do want the bill to be signed and, of course, we have had those bills that weren't signed before but we are hoping that this compromise will allow us to get clear through the process, Senator."

#### POINT OF INQUIRY

Senator Beck: "Yes. Would Senator Day yield for a question, please? Senator Day, I have heard from several doctors, both within my own county and district and also from other areas of the state, asking me to oppose this bill. I don't know whether I feel so strongly against the bill or not, but I would like to pose a question to you to clarify for the record here what this bill does."

"As I understand the bill, in Spokane County particularly and in King County, they have had problems obtaining MD's to be the health doctor. We had the same trouble in Kitsap County, but we finally got a lady who had just returned from overseas in some kind of foreign service duty to accept the position. Our health doctor had to stay on for an extra six months so we could find a doctor that would take the job. Does this bill mandate any county to have a doctor as the county health doctor, and my second question is, does it give the local board of county health, the county health board, the authority to hire either a business administrator with a master's or PhD degree or a doctor? They still can have a doctor if the local health board wants it. Am I correct in that assumption?"

Senator Day: "The first question, does it mandate that they be a doctor, no, that is exactly what the bill does. It stops the mandate that they be a doctor, and the second question, the local board of health is given the latitude of still keeping the identical requirement that we have before the bill passed, that the person must be a physician, an MD or DO. That is the present law, but this gives the local board of health, which is your county commissioners, usually, the opportunity to have some latitude. This would not mean that technical decisions are going to be made in the area that a physician should make the judgment unless a physician makes it because

the local health officer should still, would still, have to go to a consultant which they could have for this type of decision.

"In Spokane County, for example, we have 152 employees today in the county-city health department, and what they are trying to do is effect some efficiency and some economy, Senator, exactly what we are trying to do here in the Senate."

Senator Beck: "I am going to support the bill."

The motion by Senator Day carried and the committee amendments to page 2, lines 16 and 20 were adopted simultaneously.

On motion of Senator Day, the committee amendments to page 2, lines 22 and 24, were adopted.

On motion of Senator Day, Engrossed Senate Bill No. 2062 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. 2062, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Ridder, Scott, Van Hollebeke, von Reichbauer, Wanamaker, Wojahn—32.

Voting nay: Senators Bailey, Fleming, Grant, Herr, Odegaard, Pullen, Rasmussen, Talley, Washington, Wilson, Woody—11.

Absent or not voting: Senator Bausch—1.

Excused: Senators Cunningham, Matson, Sandison, Sellar, Walgren—5.

ENGROSSED SENATE BILL NO. 2062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, Senate Bill No. 2119 was ordered placed on the second reading calendar following Engrossed Senate Bill No. 2075.

### THIRD READING

ENGROSSED SENATE BILL NO. 2075, by Senators Day, von Reichbauer, Beck, Van Hollebeke, Buffington, Herr, Keefe and Talley:

Excluding convents from nursing home regulation.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2075.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2075, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen,

Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senator Bausch—1.

Excused: Senators Cunningham, Matson, Sandison, Sellar, Walgren—5.

ENGROSSED SENATE BILL NO. 2075, having received the 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. 2079, by Senators Day, Wanamaker and Jones:

Placing funeral directors under unfair practices act.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2079 was advanced to third reading, the second 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. 2079, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Voting nay: Senators Guess, Newschwander—2.

Absent or not voting: Senators Bausch, Donohue—2.

Excused: Senators Cunningham, Matson, Sandison, Sellar, Walgren—5.

SENATE BILL NO. 2079, having received the 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 Day, the appointment of Harlan McNutt as Secretary of the Department of Social and Health Services was confirmed.

### APPOINTMENT OF HARLAN McNUTT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bottiger, Scott—2.

Absent or not voting: Senators Bausch, Donohue, Guess, Newschwander—4.

Excused: Senators Cunningham, Matson, Sandison, Walgren—4.

## SECOND READING

SENATE BILL NO. 2119; by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

The Senate resumed consideration of Senate Bill No. 2119, as amended on January 31, 1977. On that day, Senator Mardesich had moved adoption of an amendment to page 5, line 7. Senator Guess had moved adoption of an amendment to the amendment by Senator Mardesich. The bill as amended and the pending amendments were ordered held for consideration at a later time.

There being no objection, on motion of Senator Mardesich, the amendment by Senator Mardesich and the amendment to the amendment by Senator Guess were withdrawn.

Senator Mardesich moved adoption of the following amendment:

On page 3, after section 2, insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows: (1) Notwithstanding the provisions of RCW 34.04.025 as now or hereafter amended, the following procedures and requirements shall apply whenever a majority of the members of any review committee shall decide that a proposed rule is not within the intent of the legislature.

(a) The review committee must give the affected agency written notice of its decision at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025 (1)(a) as now or hereafter amended. Such notice shall include a statement of the review committee's findings and the reasons therefor, and shall also be filed by the review committee with the code reviser.

(b) Immediately upon receipt of such notice, timely given, the agency affected shall file a notice with the code reviser, mail notice to all persons who have made timely requests of the agency for advance notice of rule-making proceedings, and give public notice as provided by chapter 42.30 RCW, as now or hereafter amended, that any hearing previously scheduled pursuant to RCW 34.04.025 (1)(a) as now or hereafter amended is canceled. By the same notice, or by a subsequent notice, the agency may reschedule a hearing for a later time, but not less than thirty days from mailing of said notice, nor more than sixty days following receipt of the notice from the review committee. Such notice shall include the review committee's findings and the reasons therefor, in addition to the information required to be included by RCW 34.04.025 (1)(a) as now or hereafter amended.

(c) At any hearing held pursuant to this section, the agency shall consider fully all written and oral submissions respecting the proposed rule, including those addressing the question of whether the proposed rule is within the statutory grant of rule-making authority to the agency. If the agency adopts the proposed rule or an amended version thereof it shall not offer it for filing with the code reviser, nor shall the code reviser accept it for filing pursuant to RCW 34.04.040 until thirty days have elapsed from the date of formal adoption of the rule by the agency. The agency shall promptly notify the review committee of its adoption of the rule.

(2) The review committee may meet within thirty days of the agency's formal adoption of the rule to consider whether the adopted rule is within the statutory grant of rule-making authority by the legislature. If both the review committees of the senate and house shall determine within that time by majority votes of their members that the adopted rule is not within the intent of the statutory grant of rule-making authority to the agency, they shall notify the agency and the code reviser of this decision, and the rule shall be of no legal force or effect, and shall not be accepted by the code reviser for filing.

(3) If no action is taken within such period, the rule may be filed pursuant to RCW 34.04.040."

Renumber the sections following consecutively, and correct internal references accordingly.

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Mardesich yield to a question, please? Senator Mardesich, in that same number 2 down there, the second sentence reads, 'if both the review committees of the Senate and the House shall determine within that time by majority vote' etc., does this imply that the two committees would necessarily meet together to do the review?"

Senator Mardesich: "No, I don't believe it does. There is that possible implication, but I don't think it is required."

Senator Lewis: "Then my question is, if the Senate review committee, for example, were to meet twenty-nine days, just barely within the time frame, and decided to reject, would the House review committee then have to act within the next twenty-four hours or would it have another thirty days in which to act? What would be the procedure there?"

Senator Mardesich: "I would take it if both committees did not reject by the thirtieth day the rule would go into effect."

Senator Lewis: "This could result in some scheduling problems then if the first committee to review did not review it early enough within that thirty day time frame, it could be some logistics problem for the second committee to act."

Senator Mardesich: "That is true but it is incumbent upon the committee that has an interest to act."

Senator Lewis: "Thank you."

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

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

On page 5, following line 13, add a new section as follows:

"NEW SECTION: Sec. 8. If any provision of this 1977 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 Mardesich, the following amendment to the title was adopted:

In line 8 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Odegaard, Engrossed Senate Bill No. 2119 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Marsh, Engrossed Senate Bill No. 2119 was returned to second reading.

On motion of Senator Marsh, the following amendments were adopted:

On page 2, line 36, strike "thirty" and insert "forty"

On page 3, line 36, strike "thirty" and insert "forty"

On motion of Senator Marsh, Reengrossed Senate Bill No. 2119 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 Marsh, Reengrossed Senate Bill No. 2119 was ordered to hold its place on the third reading calendar for February 7, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointment No. 14.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Goltz, the appointment of Jim Shipman as a member of the Board of Trustees, Everett Community College, District No. 5, was confirmed.

## APPOINTMENT OF JIM SHIPMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senator Jones—1.

Excused: Senators Cunningham, Matson, Sandison, Walgren—4.

## MOTION

At 12:12 p.m., on motion of Senator Marsh, the Senate adjourned until Monday, February 7, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



TWENTY-NINTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Monday, February 7, 1977.

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 Francis, Goltz, Grant, Mardesich, McDermott, Murray, Ridder and Scott. On motion of Senator Odegaard, Senators Francis, Goltz, Grant, Mardesich, McDermott and Ridder were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Eric Bergquist and Rhoda McKinney, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, IN WHOSE HANDS RESIDE THE GOVERNANCE OF THE UNIVERSE, GUIDE AND DIRECT THESE YOUR SERVANTS, THE MEMBERS OF THE WASHINGTON STATE SENATE HERE ASSEMBLED IN REGULAR SESSION. FILL THEM, O LORD, WITH A SENSE OF PURPOSE AND DISPATCH AS THEY GO ABOUT THE WORK COMMITTED TO THEM. ASSIST THEM TO TRANSLATE PROBLEMS INTO OPPORTUNITIES, REMIND THEM CONTINUALLY O LORD, WHOSE MINISTERS AND SERVANTS THEY ARE. AND, ABOVE ALL ELSE, INSTILL IN US ALL THE SPIRIT OF SERVICE WHICH WILL ABOLISH PRIDE OF PLACE AND INEQUALITY OF OPPORTUNITY. THROUGH JESUS CHRIST OUR LORD AND SAVIOR. 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 2, 1977.

SENATE BILL NO. 2064, deleting inactive committee on public employee bargaining (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1977.

SENATE BILL NO. 2097, deleting an obsolete restriction on employment of aliens (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 1, 1977.

SENATE BILL NO. 2258, allowing state, county, and municipal treasurers to transfer public funds electronically (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senator Cunningham.

Passed to Committee on Rules for second reading.

February 3, 1977.

SENATE BILL NO. 2310, making various changes in the law on the state committee on salaries (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 3, 1977.

SENATE BILL NO. 2325, requiring the preparation of fiscal notes on proposed legislation relating to cities, towns, counties, and other units of local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Talley.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 2, 1977.

JOSEPH E. GARCIA, to the position of Director of the Department of Employment Security appointed by the Governor on January 12, 1977 for the term ending at the pleasure of the Governor (reported by the Committee on Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

February 4, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 69,

HOUSE BILL NO. 95,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 123,

HOUSE BILL NO. 237,

HOUSE BILL NO. 262, and

SUBSTITUTE HOUSE BILL NO. 277, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 4, 1977.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 105.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2463, by Senator Rasmussen (by State Auditor request):  
 AN ACT Relating to the Washington public employees retirement system; and amending section 3, chapter 274, Laws of 1947 as last amended by section 1, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.030.

Referred to Committee on State Government.

SENATE BILL NO. 2464, by Senators Rasmussen, Pullen, Henry, Guess and Cunningham:

AN ACT Relating to self defense; and adding a new section to chapter 9.01 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2465, by Senators Francis, Bottiger, Woody, Clarke and Washington:

AN ACT Relating to state law reports; amending section 1, chapter 185, Laws of 1943 as amended by section 1, chapter 42, Laws of 1971 and RCW 2.32.160; and adding a new section to chapter 2.32 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2466, by Senators Grant and Bailey:

AN ACT Relating to nonpartisan primaries; amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150; and amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2467, by Senator Herr:

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

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2468, by Senators von Reichbauer, Murray, Goltz and North:

AN ACT Relating to revenue and taxation; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; and prescribing expiration dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2469, by Senators Fleming, McDermott, Ridder and Grant:

AN ACT Relating to financial institutions; amending section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; adding a new chapter to Title 19 RCW; adding new sections to chapter 49.60 RCW; prescribing penalties; and prescribing an expiration date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2470, by Senators Morrison, Sellar, Donohue, Jones, Benitz, Hayner, Wanamaker, Newschwander and Murray:

AN ACT Relating to industrial insurance; amending section .11.07, chapter 79, Laws of 1947 as amended by section 5, chapter 197, Laws of 1953 and RCW 48.11.070; amending section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020; amending section 51.04-.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 51.04.090, chapter 23, Laws of 1961

and RCW 51.04.090; amending section 51.04.100, chapter 23, Laws of 1961 and RCW 51.04.100; amending section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175; amending section 51.12.050, chapter 23, Laws of 1961 as amended by section 8, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.050; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 81, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.070; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52, Laws of 1973 1st ex. sess. and RCW 51.16.105; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 87, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.155; amending section 51.16.160, chapter 23, Laws of 1961 as amended by section 78, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.160; amending section 51.16.170, chapter 23, Laws of 1961 and RCW 51.16.170; amending section 51.16.180, chapter 23, Laws of 1961 as amended by section 79, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.180; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010; amending section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020; amending section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43, Laws of 1972 ex. sess. and RCW 51.28.030; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 30, Laws of 1974 ex. sess. as amended by section 8, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.040; amending section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055; amending section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 47, chapter 289, Laws of 1971 ex. sess. as amended by section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190; amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 14, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. as amended by section 15, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070; amending section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030; amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 56, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.070; amending section 51.44.080, chapter 23, Laws of 1961 as last amended by section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080; amending section 58, chapter 289, Laws of 1971 ex. sess. as amended by section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; amending section 51.48.010, chapter 23, Laws of 1961 as amended by section 61, chapter 289,

Laws of 1971 ex. sess. and RCW 51.48.010; amending section 62, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.015; amending section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; amending section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020; amending section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; amending section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; amending section 32, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.120; amending section 33, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.130; amending section 34, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.140; amending section 35, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.150; amending section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030; adding new sections to Title 51 RCW; adding new sections to chapter 51.08 RCW; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 16, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.035; repealing section 51.16.090, chapter 23, Laws of 1961 and RCW 51.16.090; repealing section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100; repealing section 51.16.110, chapter 23, Laws of 1961, section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110; repealing section 51.16.120, chapter 23, Laws of 1961, section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; repealing section 51.16.130, chapter 23, Laws of 1961, section 14, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.130; repealing section 26, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.210; repealing section 51.44.040, chapter 23, Laws of 1961, section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; repealing section 51.44.060, chapter 23, Laws of 1961, section 28, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.060; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; defining crimes; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2471, by Senators McDermott, Fleming and Ridder:

AN ACT Relating to education; setting forth a program to provide proper nutrition for school children; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2472, by Senators Bottiger, Guess and Bausch:

AN ACT Relating to motor vehicles; amending section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. as amended by section 4, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. as amended by section 5, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. as amended by section 6, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. as amended by section 7, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. as amended by section 8, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. as amended by section 9, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. as amended by section 10, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. as amended by

section 11, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.120; amending section 18, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.130; amending section 19, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.140; amending section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.170; amending section 23, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.180; amending section 24, chapter 47, Laws of 1971 ex. sess. as amended by section 16, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.190; amending section 8, chapter 76, Laws of 1970 ex. sess. as last amended by section 1, chapter 153, Laws of 1972 ex. sess. and RCW 67.32.080; adding new sections to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW; creating a new section; repealing section 2, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.175; repealing section 28, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.210; repealing section 18, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.220; prescribing penalties; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2473, by Senators Woody, Morrison, Lewis and Henry:

AN ACT Relating to environmental policy; amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.030; amending section 6, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.060; amending section 2, chapter 179, Laws of 1973 1st ex. sess. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080; amending section 3, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.090; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2474, by Senators Walgren, Newschwander and Bailey:

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; amending section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; amending section 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; amending section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193; amending section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 1, chapter 14, Laws of 1973 2nd ex. sess. and RCW 41.40.195; amending section 21, chapter 274, Laws of 1947 as last amended by section 5, chapter 277, Laws of 1955 and RCW 41.40.200; amending section 24, chapter 274, Laws of 1947 as last amended by section 9, chapter 128, Laws of 1969 and RCW 41.40.230; amending section 28, chapter 274, Laws of 1947 as last amended by section 12, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.270; adding new sections to chapter 41.40 RCW; repealing section 31, chapter 274, Laws of 1947, section 21, chapter 240, Laws of 1949 and RCW 41.40.300; prescribing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2475, by Senators Day, von Reichbauer, Ridder and Grant:

AN ACT Relating to health care; adding new sections to chapter 48.44 RCW; and creating a new section.

MOTION

On motion of Senator Day, Senate Bill No. 2475 was referred to the Committee on Social and Health Services.

SENATE BILL NO. 2476, by Senator Grant:

AN ACT Relating to the public disclosure commission; and amending section 35, chapter 1, Laws of 1973 as last amended by section 8, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.350.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2477, by Senators Gould, Francis, Wojahn, Goltz, McDermott, North and Ridder.

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

MOTIONS

Senator Day moved that Senate Bill No. 2477 be referred to the Committee on Social and Health Services.

On motion of Senator Woody, Senate Bill No. 2477 was held for introduction on February 8, 1977.

SENATE BILL NO. 2478, by Senators Sandison, McDermott and Guess:

AN ACT Relating to the control and collection of debts owed to state institutions of higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2479, by Senator Day:

AN ACT Relating to general assistance; and adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2480, by Senators Ridder, Grant and Bailey (by Department of Employment Security request):

AN ACT Relating to unemployment compensation; amending section 7, chapter 3, Laws of 1971 and RCW 50.04.116; amending section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150; amending section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160; amending section 28, chapter 35, Laws of 1945 and RCW 50.04.270; amending section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300; amending section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010; amending section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160; amending section 11, chapter 2, Laws of 1970 ex. sess. as amended by section 6, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.29.020; amending section 19, chapter 3, Laws of 1971 and RCW 50.44.020; 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; amending section 21, chapter 3, Laws of 1971 as last amended by section

1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040; amending section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 and RCW 50.44.060; adding new sections to chapter 35, Laws of 1945 and to chapter 50.04 RCW; adding a new section to chapter 3, Laws of 1971 and to chapter 50.44 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.98 RCW; repealing section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200; repealing section 26, chapter 35, Laws of 1945 and RCW 50.04.250; repealing section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260; and providing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2481, 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 29.42.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 85, Laws of 1973 and RCW 29.42.030; 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. 2482, by Senators Francis, North and Fleming:

AN ACT Relating to civil rights law; amending section 43.01.100, chapter 8, Laws of 1965 and RCW 43.01.100; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 3, chapter 270, Laws of 1955 and RCW 49.60.060; amending section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.070; amending section 5, chapter 270, Laws of 1955 and RCW 49.60.080; amending section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090; amending section 7, chapter 270, Laws of 1955 and RCW 49.60.100; amending section 5, chapter 183, Laws of 1949 and RCW 49.60.110; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 12, chapter 270, Laws of 1955 and RCW 49.60.160; amending section 13, chapter 270, Laws of 1955 and RCW 49.60.170; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 12, chapter 37, Laws of 1957 and RCW 49.60.210; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; amending section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250; amending section 19, chapter 37, Laws of 1957 and RCW 49.60.255; amending section 21,



chapter 37, Laws of 1957 as amended by section 118, chapter 81, Laws of 1971 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 and RCW 49.60.270; amending section 24, chapter 37, Laws of 1957 and RCW 49.60.290; amending section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310; amending section 11, chapter 183, Laws of 1949 and RCW 49.60.320; and adding new sections to chapter 49.60 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2483, by Senators Bailey, Talley, North, Morrison, Buffington, Murray, Rasmussen, Peterson, Keefe, Henry, Goltz, Pullen, Wojahn, Bausch, Ridder, Herr, Fleming, Bottiger, Gaspard, von Reichbauer, Beck, Walgren, Cunningham, Wilson, Van Hollebeke, Day and Grant:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 24, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.240; amending section 3, chapter 257, Laws of 1971 ex. sess. as amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160; adding new sections to chapter 41.26 RCW; and prescribing an effective date.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Bailey, Senators Bottiger, Gaspard, von Reichbauer, Walgren, Cunningham, Wilson and Van Hollebeke were permitted as additional sponsors to Senate Bill No. 2483.

There being no objection, additional sponsors were permitted on Senate Bills 2464, 2465, 2468, 2469, 2470, 2473, 2475.

ENGROSSED HOUSE BILL NO. 69, by Representatives Nelson (Gary), Sommers, Leckenby, Boldt, Clayton, Deccio, Ehlers, Greengo, Knedlik, Lee, Polk and Toller:

Reporting cost data on boards and commissions.

Referred to Committee on State Government.

HOUSE BILL NO. 95, by Representatives Sherman, Charnley and Lee:

Redefining "roadway" and permitting only certain stops therein.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 123, by Committee on Higher Education (originally sponsored by Representatives Charnley, Owen, Moreau, Burns, Gruger, Knedlik, Lux, Salatino and Vrooman):

Making unlawful the commercial selling of term papers, theses or other work assignments utilized for postsecondary education purposes.

Referred to Committee on Higher Education.

HOUSE BILL NO. 237, by Representatives Adams, Whiteside, Fortson, Pruitt, Newhouse, Paris, May, Pearsall, Kreidler, Lux, Charette, Charnley, Shinpoch, Conner, Fischer, McCormick, Gallagher, North and Knowles:

Requiring the establishment of continuing education requirements for psychologists.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 262, by Representatives Martinis, Wilson, Moreau and Vrooman:

Allowing a game commission determination of the quantity of wild animals that may be taken.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 277, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Moreau, Hughes and Schmitt):

Penalizing the taking of bear and cougar during closed season.

Referred to Committee on Natural Resources.

#### MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Senate Bill No. 2107.

On motion of Senator Rasmussen, Senate Bill No. 2107 was referred to the Committee on Local Government.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business to consider Gubernatorial Appointments.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

##### MOTION

On motion of Senator Talley, the appointment of Kenneth A. Farland as a member of the Board of Trustees, Lower Columbia Community College, District No. 13 was confirmed.

#### APPOINTMENT OF KENNETH A. FARLAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following Vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Murray—1.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment number 15.

## MOTION

Senator Sandison moved the appointment of Margaret Hays as a member of the Board of Trustees, Everett Community College, District No. 5, be confirmed.

## POINT OF ORDER

Senator Clarke: "Thank you, Mr. President. The points of order which I previously raised as to appointments number 10, 11, 12, 32, 33, and 37 apply identically to appointments number 15, 16, 28, 29, 34 and 38, and I accordingly at this time raise the point with respect to this and each of those. I have discussed that with Senator Marsh, and with the agreement of the President and the body, it is suggested that the points of order, the presentations pro and con, the Ruling by the President and the explanation of votes that were previously made a part of the record on appointments 10 and those following that I have referred to, be adopted as equally applicable to 15 and those remaining which I have referred to, and I would so move."

## REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, I would be in accord with the suggested procedure."

The motion by Senator Sandison carried. The appointment of Margaret Hays as a member of the Board of Trustees, Everett Community College, District No. 5 was confirmed.

## APPOINTMENT OF MARGARET HAYS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 17; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Absent or not voting: Senator Fleming—1.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Sandison, the appointment of George Hieber as a member of the Board of Trustees, Everett Community College, District No. 5 was confirmed.

## APPOINTMENT OF GEORGE HIEBER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 17; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

#### MOTION

On motion of Senator Sandison, the appointment of Eloise Alvarez, as a member of the Board of Trustees, Big Bend Community College, District No. 18 was confirmed.

#### APPOINTMENT OF ELOISE ALVAREZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 17; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

#### MOTION

On motion of Senator Sandison, the appointment of David T. Moody, as a member of the Board of Trustees, Big Bend Community College, District No. 18 was confirmed.

#### APPOINTMENT OF DAVID T. MOODY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 17; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

#### MOTION

On motion of Senator Sandison, the appointment of Mildred Jaynes, as a member of the Board of Trustees, Tacoma Community College, District No. 22 was confirmed.

#### APPOINTMENT OF MILDRED JEYNES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 17; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

### MOTION

On motion of Senator Sandison, the appointment of Jerrold W. Manley, as a member of the Board of Trustees, Western Washington State College was confirmed.

### APPOINTMENT OF JERROLD W. MANLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 16; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Sellar, Wanamaker—16.

Absent or not voting: Senator Pullen—1.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

### MOTION

On motion of Senator Jones, Senators Cunningham and Guess were excused.

### SECOND READING

SENATE BILL NO. 2048, by Senators Day, von Reichbauer, Wanamaker and Talley:

Adding a public member to the cemetery board.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2048 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 Day yield to a question, Mr. President? Senator Day, you propose and they dispose, but it says on the information sheet that they shall have no economic connection. How can any lay member of the board not have an interest in the economics of funeral services? They eventually are all going to die."

Senator Day: "That is an excellent point, but what they are talking about is that members of the board shall not have an economic connection with the disposition of human remains. In other words they are in no way connected with the cemetery business or the funeral business, and a lot of people could certainly fit that qualification, Senator"

Senator Rasmussen: "Well, we all have a very close connection to both businesses."

Senator Day: "We hope not too close, Senator."

Senator Rasmussen: "Thank you."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2048, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Excused: Senators Cunningham, Francis, Goltz, Grant, Guess, Mardesich, McDermott, Scott—8.

SENATE BILL NO. 2048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2123, by Senators Talley, North and Sellar:

Providing for the filling of vacancies in fire commissioner positions.

The bill was read the second time by sections.

On motion of Senator Talley, Senate Bill No. 2123 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 Talley yield? My concern, Senator Talley, and perhaps you can put my concern to rest, in the event that you have three fire commissioners, one of them seems to be a very good fellow, very competent, but completely out of tune with the other two, so the other two make life miserable for him enough so that he resigns. Would not this then permit the other two persons who may not totally represent all of the district to find a friendly person to be appointed?"

Senator Talley: "I could not deny that it could cause that, but we certainly hope it won't cause that. We want our rural fire districts to work smoothly, and I think if the commissioners elect a replacement, they should not have this condition, but it could happen in isolated cases, yes."

Senator Woody: "Senator Talley, every bill has a reason for it. Could you tell us what the necessity for this one is."

Senator Talley: "Yes. There have been appointments around the state by the county commissioners of people who had no interest whatsoever in the fire commissioners' problems or anything like that, and they were straight political appointments, and that is what we are trying to get away from."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2123, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Francis, Goltz, Grant, Mardesich, McDermott, Scott—6.

SENATE BILL NO. 2123, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2158, by Senators Francis, Clarke, Woody and McDermott:

Requiring promises of health care cures to be in writing to be valid.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2158, 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: "Will Senator Clarke yield? Senator Clarke, with a bill on the books like this, how is the average person going to know that he has got to get this in writing?"

Senator Clarke: "Well, as a matter of fact, Senator, I think that there will be sufficient publicity so that that would be known. That is the whole purpose of the bill in reality. I point out that it would be in relatively rare cases, really, when a doctor would purport to guarantee the result of an operation, and like any other law, if a patient does want to rely upon this as a question as to whether he should or should not have the operation, then he should get it in writing."

Senator Guess: "Thank you very much"

### POINT OF INQUIRY

Senator Washington: "Senator Guess just touched on the point that is concerning me. It seems to me there should be some way. I don't know quite how to do it just looking, that is a short bill, but I just don't believe that the average patient is going to know. He is going to have the feeling what the doctor tells him, that that is going to be it. I think, before we pass this law, we should look into the possibilities of giving some sort of notice if we are going to take this legal right away. Can either one of you respond to that?"

Senator Woody: "Mr. President, members of the Senate, in reply to that, again we are amending a portion of the statute of fraud. There is nothing where a customer would know, for example, that the agreement by its terms is not to be performed within one year from the making thereof. If I were to go up to a person and orally enter into a contract, the performance of which would last longer than one year, that person is not going to know that it comes within the statute of fraud and is not enforceable.

"Similarly, every special promise to answer for the debt, default or misdoings of another person, that is the guarantee situation where the cosigner on a note, or a guarantor on one, must be in writing. But there is nothing, in banks for example, a big notice on the wall saying, 'Look, if you are going to cosign for somebody else, if you are going to agree to cosign, that agreement must be in writing.' Banks always have it in writing because, of course, otherwise it would not be enforceable by the bank. That is the history of the statute of fraud. There is no way to have some message in the air requiring an agreement to be in writing."

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Woody yield to another question? Senator Woody, my daughter is currently having her teeth straightened, and she has been having her teeth straightened for about three years, and we took her in there to make her teeth straight. If, after we are all done, we didn't get anything in writing that her teeth would be straight, but after we are all done, they are still crooked and we have paid the bill, with this bill we have nothing, no cause of action for negligence for not straightening the teeth?"

Senator Woody: "No, that is not correct. You still can sue for negligence. This is just enforcement of a contract. If you sue under a contract theory, that contract must be in writing. If you are suing under the negligence theory, or lack of informed consent, you still have that lawsuit."

Senator Bottiger: "We are not taking away—we don't know what it is going to look like when all that tin comes off, but I take it then, if they don't come out straight, the implication that we did it in order to get them straight, we don't have to have anything in writing that they would be straight?"

Senator Woody: "Not if you sue on the negligence theory or lack of informed consent."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2158, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—41.

Voting nay: Senators Ridder, Van Hollebeke, Washington—3.

Excused: Senators Francis, Goltz, Grant, McDermott, Scott—5.

SENATE BILL NO. 2158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2088 with the following amendments:

On page 2 of both the printed and engrossed bills, following section 3 add a new section to read as follows:

"Sec. 4. Section 3, chapter 279, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund. . . . \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund. . . .



\$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals including \$260,000 to pay a judgment entered against the state in King County cause no. 781791, incident to the construction of the ferries Walla Walla and Spokane, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary waters, and from the Puget Sound ferry operations account in the motor vehicle fund. . . .

\$11,155,989 or so much thereof as may be necessary for the operation and maintenance of the ferry system to supplement tolls: PROVIDED, That if SSB 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor the appropriation from the Puget Sound ferry operations account shall be \$3,352,829, or so much thereof as may be necessary for operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund. . . .

\$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: PROVIDED FURTHER, That if chapter . . . (SSB 2159), Laws of 1975 1st ex. sess. is enacted into law during the 1975 1st extraordinary session and signed by the governor no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure."

Remember the remaining section consecutively.

On page 1, line 2 of the title of both the printed and engrossed bills, after "(uncodified):" insert "amending section 3, chapter 279, Laws of 1975 1st ex. sess. (uncodified):", 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 Engrossed Senate Bill No. 2088.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Excused: Senators Francis, Goltz, Grant, McDermott, Scott—5.

ENGROSSED SENATE BILL NO. 2088, 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 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, February 8, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 8, 1977.

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 Goltz, Guess and Wilson. On motion of Senator Odegaard, Senators Goltz and Wilson were excused. On motion of Senator Jones, Senator Guess was excused.

The Color Guard, consisting of Pages Jing Jing Fong and Brian Acuff, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GRACIOUS FATHER, WHO LOOKS DOWN UPON ALL THAT WE THINK, SAY AND DO, WE STAND HERE IN YOUR PRESENCE DEEPLY AWARE OF OUR TOTAL DEPENDENCE UPON YOUR GRACIOUS LOVE. WE AWAIT YOUR WORD OF DIRECTION. STIFFEN THE RESOLVE OF THESE SERVANTS OF THE PEOPLE, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON, AS THEY SEEK TO SOLVE THE MANY PROBLEMS WHICH FACE THOSE SAME PEOPLE. IN AN AREA OF LIFE WHERE COMPROMISE IS ESSENTIAL TO ACTION STRENGTHEN THEM AGAINST THE TEMPTATION TO FORFEIT THE TRUTH IN THE PROCESS. FINALLY, FILL THEM WITH THAT WISDOM FROM ABOVE THAT BOTH THEIR HEARTS AND MINDS MAY BE ENLIGHTENED, THEIR WILLS STRENGTHENED AND THEIR ZEAL FOR GOOD ENHANCED. ALL OF WHICH WE ASK IN THE NAME OF OUR COMPASSIONATE AND CARING LORD, IN WHOSE SERVICE IS PERFECT FREEDOM, JESUS CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 7, 1977.

SENATE BILL NO. 2067, supplementing law relating to traffic education courses (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2154, governing increased state participation in third party industrial insurance actions (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2154 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2185, permitting aliens to teach in the common school system (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray, Washington.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senator Hayner.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2201, implementing law relating to transportation of pupils in common schools and reimbursement to school districts therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2211, authorizing commission on harbor lines to change harbor lines (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2251, removing minimum wage restrictions on seasonal employees at agricultural fairs (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2338, permitting additional cost factors to be considered when dealing with sheltered workshops (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, McDermott, North, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2380, limiting permissible wage deductions (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2385, modifying the design procedure for limited access highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2386, modifying procedures for construction and maintenance of highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Keefe, Peterson, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1977.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, petitioning for the formation of a tri-state legislative fisheries committee for Idaho, Oregon and Washington (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 8, 1977.

CHARLES W. HODDE, to the position of Director of the Department of Revenue, appointed by the Governor on January 12, 1977 for the term ending at the pleasure of the Governor, succeeding Mary Ellen McCaffree (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Fleming, Grant, Jones, Marsh, Morrison, Newschwander, Scott, Washington.

Passed to Committee on Rules.

February 8, 1977.

DR. ROBERT HOLLISTER, to the position of Director of the Department of Retirement Systems, appointed by the Governor on January 12, 1977 for the term ending at the pleasure of the Governor, succeeding Lloyd Baker (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Fleming, Grant, Jones, Marsh, Morrison, Newschwander, Scott, Washington.

Passed to Committee on Rules.

February 8, 1977.

RAY AARDAL, to the position of member of the Washington State Highway Commission, appointed by the Governor on January 27, 1977 for the term ending July 1, 1977, succeeding A. H. Parker (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 18, 1977.

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

LADIES AND GENTLEMEN:

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

Michael H. Beck, appointed January 31, 1977, for a term ending September 8, 1978, as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 31, 1977.

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

LADIES AND GENTLEMEN:

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

Mary Ellen Krug, appointed January 31, 1977, for a term ending September 8, 1980, succeeding Philip Kienast as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

### MESSAGE FROM THE HOUSE

February 7, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 57,  
HOUSE BILL NO. 106,  
HOUSE BILL NO. 109,  
HOUSE BILL NO. 111,

SUBSTITUTE HOUSE BILL NO. 217, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2477, by Senators Gould, Francis, Wojahn, Goltz, McDermott, North, Ridder and Scott:

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

## MOTIONS

On motion of Senator Day, Senate Bill No. 2477 was referred to the Committee on Social and Health Services.

On motion of Senator Gould, Senator Scott was permitted as an additional sponsor to Senate Bill No. 2477.

SENATE BILL NO. 2484, by Senators Henry and Wanamaker:

AN ACT Relating to transportation; and amending section 81.80.300, chapter 14, Laws of 1961 as last amended by section 4, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.300.

Referred to Committee on Transportation.

SENATE BILL NO. 2485, by Senators Bottiger, Guess, Wanamaker and Beck (by Department of Highways request):

AN ACT Relating to public highways; adding a new section to chapter 47.05 RCW; repealing section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2486, by Senators Bottiger, Guess and Wanamaker (by Department of Highways request):

AN ACT Relating to public highways; amending section 47.48.010, chapter 13, Laws of 1961 as amended by section 9, chapter 108, Laws of 1967 and RCW 47.48.010; amending section 47.48.020, chapter 13, Laws of 1961 and RCW 47.48-.020; and amending section 47.48.040, chapter 13, Laws of 1961 and RCW 47.48-.040.

Referred to Committee on Transportation.

SENATE BILL NO. 2487, by Senators Gaspard, Lewis and Bausch:

AN ACT Relating to utility rates; amending section 35.92.010, chapter 7, Laws of 1965 and RCW 35.92.010; amending section 35.92.020, chapter 7, Laws of 1965 and RCW 35.92.020; and amending section 14, chapter 72, Laws of 1967 as amended by section 2, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.140.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2488, by Senator Henry:

AN ACT Relating to the public employees' retirement system; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2489, by Senators Washington and Sellar:

AN ACT Relating to public utility districts; and amending section 2, chapter 124, Laws of 1955 as amended by section 4, chapter 220, Laws of 1971 ex. sess. and RCW 54.04.070.

Referred to Committee on Local Government.

SENATE BILL NO. 2490, by Senators Morrison and Washington:

AN ACT Relating to the Yakima river; adding new sections to chapter 43.51 RCW; and creating new sections.

Referred to Committee on Ecology.

SENATE BILL NO. 2491, by Senators Bottiger, Lewis, Bausch and Bluechel:

AN ACT Relating to energy facility sites; and amending section 2, chapter 45, Laws of 1970 ex. sess. as amended by section 30, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.020.

Referred to Committee on Energy and Utilities.

#### MOTION

On motion of Senators Bottiger, Senator Bluechel was permitted as an additional sponsor to Senate Bill No. 2491.

SENATE BILL NO. 2492, by Senator Pullen:

AN ACT Relating to the financing of common school education; enacting "The Basic Education Financing Act of 1977"; 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; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; and making an appropriation.

#### MOTION

On motion of Senator Pullen, Senate Bill No. 2492 was referred to the Committee on Ways and Means.

SENATE BILL NO. 2493, by Committee on Higher Education: Endorsed by Senators Sandison, Donohue, Goltz, Benitz, Odegaard, Guess and Scott:

AN ACT Relating to community colleges; amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 62, Laws of 1973 and RCW 28B.50.100; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; amending section 28B.50.300, chapter 223, Laws of 1969 ex. sess. as amended by section 73, chapter 81, Laws of 1971 and RCW 28B.50.300; creating new sections; repealing section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570; repealing section 28B.50.590, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.590; repealing section 28B.50.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.750; repealing section 6, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.060; and making effective dates.

Referred to Committee on Higher Education.

SENATE BILL NO. 2494, by Senators Talley and Woody:

AN ACT Relating to enforcement of judgments; and amending section 1, page 88, Laws of 1890 and RCW 6.16.030.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 57, by Representatives Valle, Hughes, Charnley, Hawkins, Douthwaite, Flanagan, Chandler, Zimmerman, Lux and Becker (by House Committee on Ecology of the 44th Legislature request):

Modifying the environmental coordination procedures act.

Referred to Committee on Ecology.

HOUSE BILL NO. 106, by Representatives Conner, McCormick, Patterson, Fancher, Fuller and Struthers (by Department of Motor Vehicles request):

Deleting the requirement of farmer signature for vehicle farm license applications and permits the movement of parade floats with letters of authority.

Referred to Committee on Transportation.

HOUSE BILL NO. 109, by Representatives Conner, McCormick, Patterson and Knedlik:

Repealing a provision of the Financial Responsibility law declared unconstitutional by the U.S. Supreme Court.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Francis, House Bill No. 109 was referred to the Judiciary Committee.

HOUSE BILL NO. 111, by Representatives Conner, McCormick, Patterson and Fancher (by Department of Motor Vehicles request):

Eliminating the automatic expiration of motor vehicle excise tax refund permits and necessity for keeping permanent records and permitting departmental discretion in collection of minor interest charges.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 217, by Committee on Insurance (originally sponsored by: Representatives Charnley, Newhouse, Knowles, Knedlik, Monohon and Grier):

Increasing insurance coverage required for auto transportation companies to obtain certificate of operation.

Referred to Committee on Financial Institutions and Insurance.

There being no objection, additional sponsors were permitted on Senate Bills 2477, 2485, 2491.

#### MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2119 was ordered placed on today's calendar following consideration of Senate Bill No. 2116.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Donohue the appointment of Orin Smith as Director of the Office of Program Planning and Fiscal Management was confirmed.

### APPOINTMENT OF ORIN SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—46.

Excused: Senators Goltz, Guess, Wilson—3.



## MOTION

On motion of Senator Sandison, the appointment of Bruce McPhaden as a member of the Board of Trustees, Eastern Washington State College was confirmed.

## APPOINTMENT OF BRUCE McPHADEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—46.

Excused: Senators Goltz, Guess, Wilson—3.

## SECOND READING

SENATE BILL NO. 2068, by Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request):

Deleting obsolete powers of town supervisors.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 2068 was advanced to third reading, the second 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. 2068, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—46.

Excused: Senators Goltz, Guess, Wilson—3.

SENATE BILL NO. 2068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2083, by Senators North and McDermott:

Authorizing autopsies.

## REPORT OF STANDING COMMITTEE

February 2, 1977.

SENATE BILL NO. 2083, authorizing autopsies (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "Any" insert "adult"

On page 2, line 1, after "authorization" and before the period insert ": PROVIDED, That this section shall not affect autopsies performed pursuant to RCW 68.08.010 or RCW 68.08.103"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Pullen, Ridder.

The bill was read the second time by sections.

On motion of Senator North, the committee amendments were adopted.

On motion of Senator North, Engrossed Senate Bill No. 2083 was advanced to third reading, the second 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. 2083, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—46.

Excused: Senators Goltz, Guess, Wilson—3.

ENGROSSED SENATE BILL NO. 2083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2171, by Senators Beck, Wanamaker and Bluechel:

Authorizing the utilities and transportation commission to adopt rules to clearly enumerate the types of vehicles which must stop at railroad crossings.

### REPORT OF STANDING COMMITTEE

January 26, 1977.

SENATE BILL NO. 2171, authorizing the utilities and transportation commission to adopt rules to clearly enumerate the types of vehicles which must stop at railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 4, after "device" and before "gives" insert "as designated by the utilities and transportation commission pursuant to RCW 81.53.060"

On page 2, strike all of subsection (3)

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Sellar, von Reichbauer, Wanamaker

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments were adopted.

On motion of Senator Beck, Engrossed Senate Bill No. 2171 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 Beck yield? The critical language here, of course, is 'any vehicle specified by rule or regulation of the utilities and transportation commission.' Why are we delegating this power to them? Why don't we specify ourselves?"

Senator Beck: "Well, the current statute says that the utilities and transportation commission shall have that authority. That is what the current statute reads. However, in the rules committee, Senator Mardesich, I believe it was, brought it up about we need some more repealers there. I have investigated and here is what we found in researching this:

"The state patrol, the department of highways, utilities and transportation, there appears to be no need for repealers. As of now RCW 46.61.350 as it now exists, provides that certain classes of vehicles must stop at railroad grade crossings. Subsection two provides that these requirements do not apply for specific instances, one of which is where an official traffic control device gives notice that the stopping requirement imposed by this section does not apply. The presently — this means that the mayor of any small town could go out and could attach an exempt sign to a railroad crossbuck and control traffic, which would have to stop at the crossing.

"The committee testimony indicated there are about two hundred different highway authorities who could put up these signs. What this does, it consolidates it into the utilities and transportation commission which is where it should be."

Senator Woody: "Senator Beck, what you are replying to is answered as to the second Senate committee amendment on page 2, so that it is the exclusive ability of the transportation and utilities commission to affect the traffic control devices, but what I am concerned about is on page 1, giving the commission the authority to designate any vehicle they want to have to stop at these railroad crossings. My concern is, are they going to next say that any truck carrying pea fodder, or weeds, or tractors, whatever. How am I going to know? I don't read those rules and regs every day as I drive down the road."

Senator Beck: "Senator Woody, I think this applies only to vehicles which carry passengers, and vehicles which carry passengers for hire."

Senator Woody: "Well, it doesn't say that, Senator Beck, and that was my original concern. It says, 'or any vehicle specified by rule or, of rule of the utilities and transportation commission', and that is my concern."

Senator Beck: "Well, Senator, you lawyers read an awful lot of things in bills that I don't. I don't read it that way. I think this is a good bill. The utilities commission is the one who establishes these warning signals at railroad crossings, and I think they are far more capable of establishing which crossings and which vehicles should stop than a lay person like myself or you, here, on the floor of the Senate. If you would like an amendment to that bill, we would gladly put it over or get it back on second reading. You can amend it."

### MOTION

On motion of Senator Francis, Engrossed Senate Bill No. 2171 was ordered placed on the third reading calendar for February 9, 1977.

### SECOND READING

SENATE BILL NO. 2060, by Senators Odegaard, Clarke, Newschwander and Woody (by Legislative Budget Committee request):

Repealing certain obsolete laws relating to reclamation.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 2060 was advanced to third reading, the second 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. 2060, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—46.

Excused: Senators Goltz, Guess, Wilson—3.

SENATE BILL NO. 2060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator Bluechel was excused.

#### SECOND READING

SENATE BILL NO. 2091, by Senator Day:

Providing staggered terms of office for hospital commissioners.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2091 was advanced to third reading, the second 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. 2091, and the bill passed the Senate by the following vote: Yeas, 45; Excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—45.

Excused: Senators Bluechel, Goltz, Guess, Wilson—4.

SENATE BILL NO. 2091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2113, by Senator Washington:

Authorizing resident tuition and fee rates at institutions of higher education to certain nonimmigrant alien families.

#### MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 2113 was substituted for Senate Bill No. 2113 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, Substitute Senate Bill No. 2113 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "Mr. President, Senator Washington, I have the same question that I raised in committee relative to line 11 and the word 'entitled'. The way I

read that first section, it could mean that if a family with a young person who was entitled to enter the United States under the provisions of the treaty of commerce and navigation between the United States and foreign states, if that person were allowed to enter and were entitled to enter, I raised the question that if the family is here, and the family is here for six months, and the young person decides to attend Eastern Washington State College because he was entitled under this act to come in, the way I read it he could attend four years at Eastern Washington or any college of his choice in the state tuition fee free.

"I raised that question, as you remember, in committee, and I don't think that is what you really intend, maybe some good attorney here could take a look at that. It looks to me like that is what we are really doing."

#### POINT OF INQUIRY

Senator Francis: "Would Senator Washington yield? Senator Washington, let's start out, if I may, by asking you to point out where in the bill it says that they are going to have to wait a year to be entitled to residence tuition? Perhaps you are relying on the language of saying resident the same as a resident of the state of Washington."

Senator Washington: "There is a provision — Senator Francis, I was of the impression of, and if it isn't here it should be, in the bill, a statutory reference, which provides that they must be a resident. As a matter of fact, the substitute bill and the amendment that was proposed in the committee did carry a specific provision, a specific statutory reference which actually means that they must reside here for one year. In quickly looking at it, I don't notice it."

Senator Francis: "Well, Mr. President, Senator Washington, members of the Senate, my concern is that one year provision. I think I could support the bill if they were subject to the same problem that other Americans have, and that is that once they move to the state of Washington, they still have to wait for a year before they pay the same tuition, and you may know that I went through that all the way to the United States Supreme Court with people who were admitted as part of the evidence in the case, admitted to be bona fide residents of this state, intending to live here, and so forth, but because they hadn't completed that first full year, they continued to have to pay three times as much as other residents. I would think that it would be very wrong to allow one special group to avoid that one year residency thing. I would like to abolish it across the board, but if we can't do that, let's make everybody adhere to it, and as such, I think that this bill ought to be tuned up before we move on it."

#### MOTION

On motion of Senator Washington, Substitute Senate Bill No. 2113 was ordered held on the third reading calendar for February 9, 1977.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2088.

#### MOTION

At 12:07 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, February 9, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTY-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, February 9, 1977.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fleming, Francis and Herr. On motion of Senator Odegaard, Senators Fleming, Francis and Herr were excused.

The Color Guard, consisting of Pages Andrea Leuenberger and Jeffrey Hunter, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF THE UNIVERSE, GRACIOUS CREATOR OF ALL THAT IS OR EVER WILL BE, EXTEND YOUR LOVING HAND TO THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON HERE ASSEMBLED IN REGULAR SESSION. KEEP FAR FROM THEM ALL PETTINESS AND MEANNESS OF SPIRIT. GUARD THEM AGAINST THE ONSLAUGHT OF PRIDE AND ARROGANCE WHICH SO EASILY ASSAIL THOSE WITH POWER. LEAD AND INSPIRE THEM TO FIND WORKABLE SOLUTIONS TO THE REAL PROBLEMS WHICH BESET US. DIRECT THEM TO SET THIS HOUSE OF GOVERNMENT IN ORDER SO THAT HUMAN NEED CAN BE MET AND WANT ASSUAGED. GRANT THEM COURAGE TO STAND FOR THE GOOD AND THE RIGHT IN THE FACE OF TEMPTATION TO TURN AWAY FROM CHALLENGE. FINALLY, FILL THEM WITH THAT JOY WHICH COMES FROM SERVING BOTH THOSE WHO ELECTED THEM AND YOU WHO SUSTAIN THEM. 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**

February 7, 1977.

SENATE BILL NO. 2008, revising the authority of the state capitol committee (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2008 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2052, providing for highway permits and property taxes on mobile homes (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2052 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Peterson, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2112, modifying civil service appointment procedures for sheriffs' offices and authorizing unclassified positions (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2112 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2133, revising laws on reports by state government agencies and officials (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2165, amending laws relating to public printing (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2166, transferring the powers, duties, and functions of the printing and duplicating committee to the newly-created printing and duplicating management center (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 7, 1977.

SENATE BILL NO. 2169, amending law authorizing disposal of gravel and sand from state shorelands onto private property (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2169 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2215, revising probate laws (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2222, revising the number of judges in the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2289, clarifying which appointed officials must disclose their finances (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1977.

SENATE BILL NO. 2365, revising laws relating to highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Guess, Keefe, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2374, standardizing low clearance signing and increasing certain weight limits (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Guess, Peterson, Talley.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 9, 1977.

JOAN THOMAS, to the position of member of the Board of Tax Appeals, appointed by the Governor on January 20, 1977 for the term ending March 1, 1980, (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Grant, Marsh, Morrison, Murray, Rasmussen, Scott, Woody.

Passed to Committee on Rules.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 8, 1977.

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

LADIES AND GENTLEMEN:

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

Elgin E. Olrogg, appointed February 3, 1977, for a term ending July 1, 1978, succeeding Camden M. Hall as a member of the State Gambling Commission.

Sincerely,

DIXY LEE RAY

Governor.

Referred to Committee on State Government.

Office of the Governor, February 8, 1977.

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

LADIES AND GENTLEMEN:

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



Mary Knibbs, appointed February 3, 1977, for a term ending July 1, 1981, succeeding Gordon Bass as a member of the State Gambling Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2495, by Senators Talley, Herr and Keefe:

AN ACT Relating to beer and/or wine wholesale distributor franchises; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2496, by Senators Donohue, Scott and Ridder:

AN ACT Relating to public employee labor relations; amending section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450; and amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120.

Referred to Committee on Labor.

SENATE BILL NO. 2497, by Senators Day, Woody and North:

AN ACT Relating to dentistry; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL No. 2498, by Senators Rasmussen, Francis, Gould and Hayner:

AN ACT Relating to certificates of ownership and registration of motor vehicles; and adding a new section to chapter 46.12 RCW.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2498 was referred to the Judiciary Committee.

SENATE BILL NO. 2499, by Senators Donohue, Rasmussen, Bausch and Woody:

AN ACT Relating to the legal services revolving fund; creating new sections; repealing section 1, chapter 71, Laws of 1971 ex. sess., section 1, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.150; repealing section 2, chapter 71, Laws of 1971 ex. sess., section 2, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.160; repealing section 3, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.170; repealing section 4, chapter 71, Laws of 1971 ex. sess., section 3, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.180; repealing section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190; repealing section 6, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.200; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2500, by Senator Sellar:

AN ACT Relating to highways; and adding a new section to chapter 47.17 RCW.

Referred to committee on Transportation.

SENATE BILL NO. 2501, by Senators McDermott, Fleming, Ridder, Wojahn, North and Buffington:

AN ACT Relating to public assistance; and amending section 3, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.620.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2502, by Senators Donohue, Jones and Bailey:

AN ACT Relating to revenue and taxation; establishing procedures for the measurement of locally assessed property values for purposes of equalizing property values within the state; adding new sections to chapter 84.48 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2503, by Senators Talley, Herr and Henry:

AN ACT Relating to dog racing; adding a new chapter to Title 67 RCW; and prescribing penalties.

#### MOTION

On motion of Senator Van Hollebeke, Senate Bill No. 2503 was referred to the Committee on Commerce.

SENATE BILL NO. 2504, by Senators Donohue, Newschwander and Odegaard:

AN ACT Relating to the legislature; establishing the legislative evaluation and accountability program committee; and adding a new chapter to Title 44 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2505, by Senator Day:

AN ACT Relating to the superior court; and amending section 11, page 343, Laws of 1890 as last amended by section 6, chapter 81, Laws of 1971 and RCW 2.08.180.

Referred to Judiciary Committee.

There being no objection, additional sponsors were permitted on Senate Bills 2498, 2499, 2501.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 4, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2056 with the following amendments:

On page 2, line 7, following "made" strike all the material down to and including "that period" on line 10.

On page 3, line 20, after "or" strike "~~seventy-five~~" and insert "fifty"

On page 3, line 21, after "proposition" and "for a two year period", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Donohue moved the Senate do concur in the House amendments to page 2, line 7 and page 3, line 20 and refuse to concur in the House amendment to page 3, line 21.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Donohue yield? Does this, then, say in effect that once a two-year levy has been passed, if we strike the proviso, which is what the first amendment does, that then the school districts may come in for an additional special levy?"

Senator Donohue: "Mr. President, that is correct. I was reading this wrong. I withdraw the motion that I made."

Debate ensued.

There being no objection, on motion of Senator Donohue, the motion to concur in the House amendments to page 2, line 7 and page 3, line 20 and refuse to concur in the House amendment to page 3, line 21 was withdrawn.

## MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2056 and asks the House to recede therefrom.

## MOTION

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

## THIRD READING

ENGROSSED SENATE BILL NO. 2171, by Senators Beck, Wanamaker and Bluechel:

Authorizing the utilities and transportation commission to adopt rules to clearly enumerate the types of vehicles which must stop at railroad crossings.

## MOTIONS

On motion of Senator Beck, Engrossed Senate Bill No. 2171 was returned to second reading.

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

On page 1, line 12, after "cargo," strike "or of any vehicle specified by rule of the utilities and transportation commission,"

On motion of Senator Beck Reengrossed Senate Bill No. 2171 was advanced to third reading, the second 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. 2171, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Francis, Herr—3.

REENGROSSED SENATE BILL NO. 2171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2113, by Committee on Higher Education (originally sponsored by Senator Washington):

Authorizing resident tuition and fee rates at institutions of higher education to certain nonimmigrant alien families.

## MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2113 was returned to second reading.

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

On page 1, line 11, strike "entitled to enter" and insert "entering".

Senator Washington moved adoption of the following amendment:

On page 1, line 17, after "alien," and before the period insert "who have resided in the state of Washington for one year".

## POINT OF INQUIRY

Senator Goltz: "Will Senator Washington yield? I understand this to be really a reciprocity deal, and I wonder if you know whether or not the country of Japan requires a residential requirement of one year for United States citizens who would otherwise be enrolled as residents of Japan."

Senator Washington: "I don't believe they do, they do not."

Debate ensued.

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

On motion of Senator Washington, Engrossed Substitute Senate Bill No. 2113, 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. 2113, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Keefe, Mardesich, McDermott, Murray, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—31.

Voting nay: Senators Buffington, Clarke, Cunningham, Hayner, Jones, Lewis, Marsh, Matson, Morrison, Newschwander, Odegaard, Pullen, Van Hollebeke, Wanamaker, Woody—15.

Excused: Senators Fleming, Francis, Herr—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2113, having received the 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, move for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 2113 passed the Senate.

## MOTION

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

## SECOND READING

SENATE BILL NO. 2116, by Senators Henry, Talley, Washington and Sellar: Permitting certain PUD's to have sewage districts without reference to a water system.

The bill was read the second time by sections.

On motion of Senator Talley, Senate Bill No. 2116, was advanced to third reading, the second 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. 2116, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Guess, Washington—2.

Excused: Senators Francis, Herr—2.

SENATE BILL NO. 2116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

## MOTIONS

On motion of Senator Mardesich, Engrossed Senate Bill No. 2119 was returned to second reading.

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

On page 4, line 6, after "legislature" and before the period insert "as expressed by the statute which the rule implements".

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

On page 4, line 22, strike "thirty" and insert "forty".

On page 4, line 30, after "is within the" strike the remainder of the sentence and insert "intent of the legislature as expressed by the statute which the rule implements."

On page 4, line 34, strike "thirty" and insert "forty".

On page 5, line 1, strike "thirty" and insert "forty".

On page 5, line 3, after "is within the" strike the remainder of the sentence and insert "intent of the legislature as expressed by the statute which the rule implements."

On page 5, line 6, after "intent of the" strike the remainder of the sentence and insert "legislature as expressed by the statute which the rule implements."

#### MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2119 was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2024.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 2157, by Senators Day, Woody, Buffington, McDermott, Francis, Sellar, North and Hayner:

Adding a public member to the medical disciplinary board.

#### REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2157, adding a public member to the medical disciplinary board (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "who" insert "meets the qualifications contained in RCW 70.39.020(2)".

On page 1, line 11, after "governor" strike all the material down to and including "board" on line 13.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Ridder, Van Hollebeke, Wojahn.

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. 2157, was advanced to third reading, the second 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. 2157, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senators Newschwander, Scott—2.

Excused: Senator Herr—1.

ENGROSSED SENATE BILL NO. 2157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2078, by Senators Wilson, North and Goltz:  
Relating to cremation.

## REPORT OF STANDING COMMITTEE

February 2, 1977.

SENATE BILL NO. 2078, relating to cremation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after "millimeters" and before the period, insert "PROVIDED, That if a person entitled to possession of such remains under the provisions of section 4 of this 1977 amendatory act is going to place the cremated remains in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, the five millimeter dimension requirement shall not apply"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, North, Pullen, Ridder.

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. 2078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Woody: "Will Senator Wilson yield? Senator Wilson, what is the significance of striking in the definition of cremated remains the words 'human remains' and substituting the words 'a human body'?"

Senator Wilson: "All these changes in definitions are attempting to do is to separate cremated remains from other human remains so that the essence of the bill which ends the state's interest in the remains at the point of cremation can be identified."

Senator Woody: "Well, then, in the event that a person were to, in their will or on their driver's license which is permitted now, leave their kidneys to the kidney center or their eyes, irises, or whatever it is, to the eye bank, etc., whatever remains after these donations, would that still be a human body for the purposes of this act?"

Senator Wilson: "Yes, it would."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2078, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator von Reichbauer—1.

Excused: Senator Herr—1.

ENGROSSED SENATE BILL NO. 2078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2024, by Senators Guess, Beck and Henry:  
Establishing equipment rental funds in counties.

### REPORT OF STANDING COMMITTEE

January 25, 1977.

SENATE BILL NO. 2024, establishing equipment rental funds in counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, on line 33, after "36.32.278;" strike "and".

On page 2, line 35 strike the period and insert "; and".

On page 2, on line 36 insert a new subsection to read as follows:

"(6) Section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230."

On page 1, on line 7 of the title after "36.32.278;" and before "repealing" strike "and".

On page 1, line 8, of the title after "RCW 36.82.220" and before the period insert "; and repealing section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230".

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments to page 2, lines 33, 35 and 36 were considered and adopted simultaneously.

On motion of Senator Wilson, the committee amendments to the title were adopted.

### MOTION

On motion of Senator Matson, Senate Bill No. 2024, as amended, was ordered to hold its place on the second reading calendar for February 10, 1977.

### SECOND READING

ENGROSSED SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

The Senate resumed consideration of Engrossed Senate Bill No. 2119 which had been returned to second reading earlier today and amended by Senator Mardesich.

On motion of Senator Mardesich, Reengrossed Senate Bill No. 2119 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. 2119, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.



Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator Francis—1.

Excused: Senator Herr—1.

REENGROSSED SENATE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2005, by Senator Rasmussen:

Authorizing up to fifty dollars per day for payment of members of county equalization boards.

The bill was read the second time by sections.

On motion of Senator Wilson, Senate Bill No. 2005 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

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

## POINT OF INQUIRY

Senator Woody: "Would Senator Rasmussen yield to a question? Senator Rasmussen, strictly for the purposes of the legislative intent, is it your intent as the sponsor of this legislation that the fifty dollars per day shall be treated as to defray expenses and not compensation?"

Senator Rasmussen: "This is correct. At the present time the twenty five dollars is supposed to be — it is per diem, and we are not changing anything in the law in that respect."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2005, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Voting nay: Senator von Reichbauer—1.

Excused: Senators Gould, Herr, Murray—3.

SENATE BILL NO. 2005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2130, by Senators Walgren, Clarke, Rasmussen and Wilson:

Requiring amendments to WAC rules to be in bill drafting style.

### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2130 was substituted for Senate Bill No. 2130 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. 2130 was advanced to third reading, the second 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. 2130 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Gould, Herr, Murray—3.

SUBSTITUTE SENATE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2071, by Senators Day, von Reichbauer and Jones: Granting civil immunity to podiatrists charging others with incompetency. The bill was read the second time by sections.

Senator Day moved adoption of the following amendment:

On page 1, line 11, after "RCW," insert "chiropractors licensed under chapter 18.25 RCW,".

### POINT OF INQUIRY

Senator Bottiger: "Would Senator Day yield to a question? Senator Day, as you know, my wife is a registered nurse, and I am just wondering, have you got nurses covered, too?"

Senator Day: "well they would — hospitals are covered under here."

Senator Bottiger: "What I am wondering about is an amendment that said any health service provider. Wouldn't that cover everybody?"

Senator Day: "Yes, it would."

### MOTION

Senator Bottiger moved that Senate Bill No. 2071, together with the pending amendment by Senator Day, be considered following Senate Bill No. 2124.

### APPOINTMENT TO STANDING COMMITTEE

President Pro Tempore Henry announced the appointment of Senator Hayner to the Committee on Constitution and Elections.

MOTION

On motion of Senator Walgren, the appointment was confirmed.

MOTION

At 12:24 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, February 10, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

### THIRTY-SECOND DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 10, 1977.

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 Grant and Murray. On motion of Senator Odegaard, Senator Grant was excused. On motion of Senator Jones, Senator Murray was excused.

The Color Guard, consisting of Pages Eilene McGrann and Michael Corliss, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY AND MOST GRACIOUS FATHER, SOVEREIGN LORD OF CREATION, WHOSE WILL IS GOOD AND GRACIOUS AND WHOSE LAW IS TRUTH, WE BEG YOU TO GUIDE AND BLESS THESE YOUR SERVANTS, THE SENATORS OF THE STATE OF WASHINGTON HERE ASSEMBLED. INSPIRE THEM TO ENACT LAWS THAT WILL MEET THE NEEDS OF THE PEOPLE OF THIS STATE AND WILL PLEASE YOU. WHERE INEQUITY EXISTS URGE THEM TO BRING FAIRNESS TO ALL. WHERE LAXITY IN CRITICAL MATTERS HAS LED TO DISORDER ASSIST THEM IN BRINGING TO BEAR REASON AND STRUCTURE. ALL OF WHICH WE OFFER TO YOUR GLORY AND THE WELFARE OF THIS PEOPLE. THROUGH JESUS CHRIST OUR LORD. AMEN."

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 9, 1977.

SENATE BILL NO. 2014, removing obsolete provisions of laws relating to Indians (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2090, broadening the class of medical personnel authorized to write prescriptions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2254, permitting the use in evidence of blood sample reports of the state toxicologist (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2341, allowing the director of game to determine the time and place of the drawing in special hunting seasons (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2342, prohibiting the acquisition or possession of a hunting or fishing license using false information or after revocation (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2344, prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2378, extending state route 290 in Spokane (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1977.

SUBSTITUTE HOUSE BILL NO. 277, penalizing the taking of bear and cougar during closed season (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 10, 1977.

GLENN CORREA, to the position of member of the Board of Tax Appeals, appointed by the Governor on January 20, 1977 for the term ending March 1, 1977, succeeding J. Joy Williams (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Clarke, Fleming, Marsh, Morrison, Murray, Rasmussen, Walgren, Washington, Woody.

Passed to Committee on Rules.

February 10, 1977.

MS. R. Y. WOODHOUSE, to the position of Director of the Department of Motor Vehicles, appointed by the Governor on January 27, 1977 for the term ending at the pleasure of the Governor, succeeding Jack G. Nelson (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

February 9, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2088, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 9, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 9, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 32,

ENGROSSED HOUSE BILL NO. 47,

HOUSE BILL NO. 122,

HOUSE BILL NO. 136,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 209,

ENGROSSED HOUSE BILL NO. 274,

HOUSE CONCURRENT RESOLUTION NO. 4, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2506, by Senators Walgren, Day, Sandison and Buffington:

AN ACT Relating to the liquor revolving fund; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 75, Laws of 1967 ex. sess. and RCW 66.08.180; and amending section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.107.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2507, by Senators Bottiger, Sellar, Henry, Wanamaker, Van Hollebeke and von Reichbauer:

AN ACT Relating to identicards and drivers' licenses; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2508, by Senators Ridder and Francis:

AN ACT Relating to unfair insurance practices; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2509, by Senators Scott, Peterson, North, Bluechel and Hayner:

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; and prescribing an expiration date.

Referred to Committee on Ways and Means.

### MOTION

On motion of Senator Scott, Senators North, Bluechel and Hayner were permitted as additional sponsors to Senate Bill No. 2509.

SENATE BILL NO. 2510, by Senators Beck and Washington:

AN ACT Relating to transportation; and adding a new chapter to Title 81 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2511, by Senators Cunningham, Woody, Mardesich, Donohue, Matson, Newschwander, Rasmussen, Bailey, McDermott, Jones, Benitz, Lewis and Gaspard:

AN ACT Relating to education; creating new sections; adding new sections as a new chapter to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW; making an appropriation; providing penalties; and providing an effective date.

Referred to Committee on Education.

SENATE BILL NO. 2512, by Senators von Reichbauer, Ridder and Murray:

AN ACT Relating to state agency housing; adding a new section to chapter 8, Laws of 1965 and to chapter 43.82 RCW; and creating a new section.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2513, by Senators von Reichbauer, Marsh, Gaspard, Benitz, Lewis, and Beck:

AN ACT Relating to fair campaign practices; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; and creating new sections.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2514, by Senator Grant:

AN ACT Relating to utilities; adding a new chapter to Title 80 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2515, by Senators Pullen and Grant:

AN ACT Relating to elections; adding a new section to chapter 9, Laws of 1965 and to chapter 29.04 RCW; adding a new section to chapter 109, Laws of 1967 and to chapter 29.34 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2516, by Committee on Agriculture: Endorsed by Senators Gaspard, Benitz, Wilson, Day and Wanamaker:

AN ACT Relating to apiaries; amending section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005; amending section 15.60.015, chapter 11, Laws of 1961

and RCW 15.60.015; amending section 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040; amending section 15.60.050, chapter 11, Laws of 1961 and RCW 15.60.050; amending section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110; and adding new sections to chapter 15.60 RCW.

### MOTION

On motion of Senator Marsh, Senate Bill No. 2516 was referred to the Committee on Agriculture.

SENATE BILL NO. 2517, by Senators Morrison, Donohue and Matson:

AN ACT Relating to industrial insurance; amending section 51.52.100, chapter 23, Laws of 1961 as amended by section 4, chapter 148, Laws of 1963 and RCW 51.52.100; amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106; amending section 1, chapter 40, Laws of 1973 and RCW 51.52.110; amending section 51.52.115, chapter 23, Laws of 1961 and RCW 51.52.115; amending section 51.52.140, chapter 23, Laws of 1961 and RCW 51.52.140; creating new sections; repealing section 6, chapter 148, Laws of 1963, section 22, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.104; prescribing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2518, by Senators Odegaard, Donohue, McDermott, Walgren, Morrison and Bailey:

AN ACT Relating to the apportionment of school funds; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 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 last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

Referred to Committee on Education.

HOUSE BILL NO. 32, by Committee on Revenue (originally sponsored by Representatives Warnke, Valle and Conner):

Redefining the term "regular property taxes" for port districts.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 47, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Heck, King, Hawkins, Burns and Nelson (Dick):

Allowing persons to register and vote by absentee ballot during the thirty days immediately preceding an election.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 122, by Committee on Transportation (originally sponsored by Representatives Connor, Owen and Vrooman):

Increasing county participation in reviews of ferry tariffs and charges.

Referred to Committee on Transportation.



HOUSE BILL NO. 136, by Committee on Agriculture (originally sponsored by Representatives Amen, Flanagan, Shinpoch, Polk, Knedlik, Clayton, Fuller and Oliver) (by Legislative Budget Committee request):

Repealing certain obsolete laws relating to agricultural conservation.

Referred to Committee on Agriculture.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 209, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Nelson (Dick), Hawkins, Hughes and Lux):

Giving information on delegate selection in the voter's pamphlet.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 274, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Moreau and Schmitt):

Requiring knowledge of trapping techniques for a trapping license in certain cases.

Referred to Committee on Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 4, by Committee on Transportation (originally sponsored by Representatives Sherman and North):

Directing that the next state ferry be named the "Issaquah".

Referred to Committee on Transportation.

There being no objection, additional sponsors were permitted on Senate Bills 2506, 2507, 2509, 2511, 2513, 2518.

#### SECOND READING

SENATE BILL NO. 2024, by Senators Guess, Beck and Henry:

Establishing equipment rental funds in counties.

#### MOTION

On motion of Senator Marsh, Senate Bill No. 2024 was ordered to hold its place on the second reading calendar for February 11, 1977.

#### SECOND READING

SENATE BILL NO. 2071, by Senators Day, von Reichbauer and Jones:

Granting civil immunity to podiatrists charging others with incompetency.

The Senate resumed consideration of Senate Bill No. 2071 and the pending amendment by Senator Day moved for adoption on February 9, 1977.

The motion by Senator Day carried and the following amendment was adopted:

On page 1, line 11, after "RCW," insert "chiropractors licensed under chapter 18.25 RCW,"

Senator Bottiger moved that the following amendments be considered and adopted simultaneously:

On page 1, line 11, after "RCW," strike "and" and insert "((and))"

On page 1, line 12, following "RCW" insert "and any other health care provider as defined by RCW 7.70.020(1)"

Debate ensued.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 2071, as amended, together with the pending amendments by Senator Bottiger, was ordered placed on today's second reading calendar following Senate Bill No. 2164.

## SECOND READING

SENATE BILL NO. 2175, by Senator Rasmussen:

Allowing beer and wine to be served in containers other than glasses or bottles.

## REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2175, allowing beer and wine to be served in containers other than glasses or bottles (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 2, line 4, after "and" and before ", to clubs," strike "aeroplanes" and insert "~~((aeroplanes))~~ airplanes"

On page 3, line 15, after "and" and before ", clubs," strike "aeroplanes" and insert "~~((aeroplanes))~~ airplanes"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were considered and adopted simultaneously.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel, Buffington, Morrison, Jones, Ridder, Gould, North, Hayner, Scott, Goltz and Guess:

On page 4, line 36, insert a new section as follows:

"NEW SECTION. Sec. 6. There is added to chapter 66.24 RCW a new section to read as follows:

No retail liquor licensee shall provide or sell any alcoholic beverage in the spectator seating areas at sports arenas during recognized athletic events. This practice is also known as "hawking."

Re-number remaining section consecutively.

Debate ensued.

## POINT OF ORDER

Senator Walgren: "I raise the question of scope and object of the amendment."

Debate ensued.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2175, as amended, together with the pending amendment, was ordered held for February 11, 1977 for a Ruling By The President on the proposed amendment.

## SECOND READING

SENATE BILL NO. 2124, by Senators Guess and Henry:

Permitting postponement of a call for highway project bids after two weeks.

## REPORT OF STANDING COMMITTEE

January 28, 1977.

SENATE BILL NO. 2124, permitting postponement of a call for highway project bids after two weeks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended with the following amendment:

On line 14, before "of" strike "and one other paper, both" and insert "~~((and one other paper, both))~~"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion by Senator Guess, the committee amendment was adopted.

On motion of Senator Guess, Engrossed Senate Bill No. 2124 was advanced to third reading, the second 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. 2124, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Grant, Murray—2.

ENGROSSED SENATE BILL NO. 2124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Jones, Senator Guess was excused.

### SECOND READING

SENATE BILL NO. 2225, by Senator Donohue:

Providing for Washington State University Tree Fruit Center funding.

The bill was read the second time by sections.

On motion of Senator Donohue, Senate Bill No. 2225 was advanced to third reading, the second 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. 2225, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Grant, Guess, Murray—3.

SENATE BILL NO. 2225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2164, by Senators Donohue, Sandison and Gaspard (by Department of Natural Resources request):

Governing disposition of crops from state owned share crop lands and modifying livestock trespass.

The bill was read the second time by sections.

#### POINT OF INQUIRY

Senator Mardesich: "If Senator Gaspard would yield for a moment, I have a question. Perhaps Senator Donohue could respond to this. Senator Donohue, I note on line 9 of the bill that this measure pertains to grain or peas. Why wouldn't it more logically read 'crops' rather than 'grain or peas'?"

Senator Donohue: "I can't definitely answer that question. I can tell you why it is necessary to change this. I would assume that the reason that it pertains to those two crop areas is that these crops on DNR land are the ones predominately grown in Eastern Washington, and they are the kind of crops that there needs to be some latitude past the so-called sixty days to allow the department of natural resources to, in essence, be sure that they are getting the most for their money. In other words, at the end of sixty days the price of wheat might go up five cents. Two days later—"

Senator Mardesich: "I have no problem with that, but I just wonder why it should not be extended to other crops which might be grown on the land by striking the words 'grain or peas' and inserting the word 'crops' in lieu thereof."

Senator Donohue: "Well, that would give them more latitude and I am sure that there would be no problem there. I would go for that."

Senator Mardesich moved adoption of the following amendment:

On line 9, strike "grain or peas" and insert "~~(grain or peas)~~ crops"

#### POINT OF INQUIRY

Senator Cunningham: "Senator Mardesich, what I would like to know is whether that broader definition would include trees."

Senator Mardesich: "It would include the crop produced from a tree, as an apple is a crop, I assume. Timber, I assume, would be a crop, cherries, whether or not it rains when they are ripe."

Debate ensued.

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

On motion of Senator Gaspard, Engrossed Senate Bill No. 2164 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Gaspard would yield? Senator Gaspard, are we contributing, then, to inflation when we say 'hold the crops until the price goes up on it?'"

Senator Gaspard: "I asked that question in committee, and I was assured by all my committee members and the department of natural resources that we are talking about a small percentage. It has no impact on the market."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2164, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Grant, Guess, Murray—3.

ENGROSSED SENATE BILL NO. 2164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2071, by Senators Day, von Reichbauer and Jones:  
Granting civil immunity to podiatrists charging others with incompetency.

The Senate resumed consideration of Senate Bill No. 2071, as amended, and the pending amendments moved for adoption by Senator Bottiger.

There being no objection, Senator Bottiger withdrew his proposed amendments.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and McDermott was adopted:

Beginning on line 9, strike all the matter down through "RCW" on line 12 and insert "~~((Physicians licensed under chapter 18.71 RCW or chapter 18.57 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW))~~ Any health care practitioner as defined in RCW 7.70.020 (1) and (2) as now existing or hereafter amended"

Senator McDermott moved adoption of the following amendment:

On line 13, strike "another member of their profession" and insert "~~((another member of their profession))~~ a member of the professions enumerated above"

Senator Marsh moved adoption of the following amendment to the amendment by Senator McDermott:

On line 3 of the McDermott amendment to line 13 strike "enumerated" and insert "named"

## POINT OF INQUIRY

Senator Goltz: "Would Senator McDermott yield? Senator McDermott, I do not have the language of the amendment before me, but as I heard it, it struck me that this would allow a member of one professional group to bring charges against members of other professional groups and have the same kind of immunity. It seems to me that you have to be very careful that you are restricting the complaint between members of the same group. Would your amendment do that?"

Senator McDermott: "Well, it is a possibility, however there is nothing in the law presently which prohibits any citizen from bringing a charge before a disciplinary board. Any citizen, whether he is a member of a profession or not, can go in. This just clarifies it. If he is a member of another profession, he could still go in. There would be nothing prohibiting him on the basis of profession."

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

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

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

On line 12, after "file" insert "s" and after "present" insert "s"

On motion of Senator Day, Engrossed Senate Bill No. 2071 was advanced to third reading, the second 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. 2071, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Grant, Guess, Murray—3.

ENGROSSED SENATE BILL NO. 2071, having received the constitutional majority, was declared passed. 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 Gubernatorial Appointment No. 1, Charles W. Hodde.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Donohue, the appointment of Charles W. Hodde as Director of the Department of Revenue was confirmed.

## APPOINTMENT OF CHARLES W. HODDE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Grant, Murray—2.

## POINT OF INQUIRY

Senator Talley: "Mr. President, personal privilege. Will Senator Wilson yield? Senator Wilson, I have a little dog racing bill in commerce. After your speech, would object if I move to refer it to your committee?"

Senator Wilson: "Well, Senator Talley, as I glance through the roster of our committee, I think that you would agree that it has gone to the dogs already."

Senator Talley: "I wish he would clarify those remarks. I don't quite understand."

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 5, Joseph E. Garcia.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Ridder, the appointment of Joseph E. Garcia as Director of the Department of Employment Security was confirmed.

## APPOINTMENT OF JOSEPH E. GARCIA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Grant, Murray—2.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 9, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2056 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute Senate Bill No. 2056 and the House amendments thereto: Representatives Sommers, Bauer and Amen.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute Senate Bill No. 2056 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. 2056 and the House amendments thereto: Senators McDermott, Gould and Odegaard.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MOTION

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, February 10, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 10, 1977, Governor Ray approved the following Senate bill entitled:

SENATE BILL NO. 2088: Relating to highways.

Sincerely,  
JOE ZASPEL  
Legislative Liaison.

## MOTION:

At 12:12 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, February 11, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## THIRTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 11, 1977.

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 Day, Fleming, Francis and North. On motion of Senator Odegaard, Senators Day, Fleming and Francis were excused. On motion of Senator Jones, Senator North was excused.

The Color Guard, consisting of Pages Sean Sullivan and Lisa Scott, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY AND MOST MERCIFUL GOD, FATHER OF US ALL, GRANT TO THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON HERE ASSEMBLED, AN AWARENESS OF YOUR POWER AND PRESENCE WITH THEM. GIVE THEM YOUR STRENGTH TO DEAL WITH THE DIFFICULT QUESTIONS WHICH BESEIGE US AT THIS TIME — QUESTIONS OF SCHOOL FINANCING, PENSION REFORM, CONSERVATION OF NATURAL RESOURCES. SHOW THE WAY FOR EQUITABLE SOLUTIONS TO THESE VEXING PROBLEMS. MAY REASON AND WISDOM OVERCOME THE TEMPTATION TO SETTLE FOR EXPEDIENCY. FINALLY, REMIND US DAILY, LORD, THAT YOUR STRENGTH IS OUR STRENGTH AND THAT WITHOUT YOU WE SHALL SURELY FAIL. IN THE NAME OF YOUR ONLY SON OUR SAVIOR JESUS CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 10, 1977.

SENATE BILL NO. 2023, allowing both contract and day labor for county road construction projects (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Fleming, McDermott, Sellar.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senators Bluechel, North.

Passed to Committee on Rules for second reading.

February 11, 1977.

SENATE BILL NO. 2042, changing the requirements for a pilot's license (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1977.

SENATE BILL NO. 2089, revising the definition of disability for workmen's compensation (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Peterson.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2122, providing for enforcement of foreign judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2172, licensing acupuncturists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, McDermott, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2174, raising the per diem compensation for members of boards of water commissioners (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2273, providing for tuition and fees for students participating in a joint program conducted by two or more institutions of higher education (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2317, increasing the period for which judgments may be revived and amending the method for revival of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2318, increasing fees paid local registrars for certain vital statistics documents (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2322, providing for extension of judgments in justice courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2327, reviewing personal service contracts of the executive and judicial branches (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Gould, Henry.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2375, authorizing the sale of general obligation bonds and the use of proceeds for the acquisition of new ferry vessels (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2375 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Peterson, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2384, changing the time for renewal of registration certificates of contractors (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Cunningham, Morrison.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2387, regulating mobile homes (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Cunningham, Morrison.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2398, allowing compensation of members of county planning commissions and boards of adjustments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 10, 1977.

SENATE BILL NO. 2421, authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances (reported by Committee on Local Government):

Recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 10, 1977.

J. GRAHAME BELL, to the position of member of the Board of Trustees of Everett Community College, District No. 5, appointed by the Governor on January 20, 1977 for the term ending April 3, 1980, succeeding Theodore H. Muncaster (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard.

Passed to Committee on Rules.

February 10, 1977.

SALLY STARKE, to the position of member of the Board of Trustees of Tacoma Community College, District No. 22, appointed by the Governor on January 20, 1977 for the term ending April 3, 1980, succeeding Daniel C. Smith (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Passed to Committee on Rules.

February 10, 1977.

LINDA CLIFTON, to the position of member of the Board of Trustees of Central Washington State College, appointed by the Governor on January 20, 1977 for the term ending March 1, 1982, succeeding Dr. Eugene Brain (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Goltz, Odegaard.

Passed to Committee on Rules.

February 10, 1977.

TOM GALBRAITH, to the position of member of the Board of Trustees for Central Washington State College, appointed by the Governor on January 20, 1977 for the term ending March 11, 1982, succeeding Phillip Caron (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules.

February 10, 1977.

MEL SAMPSON, to the position of member of the Board of Trustees for Yakima Valley Community College, District No. 16, appointed by the Governor on January 20, 1977 for the term ending April 3, 1981, succeeding William L. Halpin (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard.  
Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 9, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Don Hodges, appointed February 3, 1977, for a term ending February 3, 1982, succeeding Ben Hayes as a member of the Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, February 9, 1977.

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

LADIES AND GENTLEMEN:

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

Robert Downing, appointed February 3, 1977, for a term ending February 3, 1982, succeeding Thomas Garrett as a member of the Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, February 9, 1977.

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

LADIES AND GENTLEMEN:

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

Joe D. Haussler, appointed February 3, 1977, for a term ending December 31, 1978, succeeding Wilfred Woods as a member of the Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, which committees would those be?"

President Cherberg: "Mr. Hodges to parks and recreation, Mr. Downing to parks and recreation, Mr. Haussler to parks and recreation, Mr. Belcher to state government."

Senator Bailey: "Mr. President, I would think that the parks and recreation being a matter of state government should be in the state government committee."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I agree with Senator Bailey that it does concern state government, and the committee is ready and willing to accept the consideration."

## REMARKS BY SENATOR VON REICHBAUER

Senator von Reichbauer: "Mr. President, I am sure every member of the parks and recreation committee appreciates the willingness of Senator Rasmussen to take this on, but we do feel it is our responsibility and concur with the original comments of the President of the Senate."

## REMARKS BY SENATOR WALGREN

Senator Walgren: Mr. President, members of the Senate, because of the very close cooperation that Senator von Reichbauer has enjoined recently, I really have to join with him in his request that these matters be sent to his committee."

## POINT OF INQUIRY

Senator Bailey: "Mr. President, I would like to ask Senator von Reichbauer if you intend to hold hearings on these three people in the near future, within the next week or ten days?"

Senator von Reichbauer: "Mr. President, as Senator Bailey is well aware, we just received the message from the Governor today, but knowing that the Governor was appointing these individuals, we scheduled the meeting this Monday at four o'clock for former Representative Joe Haussler, whose F-1 report we already have on file through the public disclosure commission because we are going to definitely scrutinize all three gentlemen, and we had some information on former Representative Haussler. As to the other two, they will come about in due course."

Senator Bailey: "Mr. President, I think it only fair to find out what due course is."

Senator von Reichbauer: "Mr. President, expeditiously."

Senator Bailey: "Mr. President, I just want to point out that the statement has been made around these halls that they would not hear these until someone got good and ready, and as a member of the parks and recreation committee, I want to assure you there is going to be a move made to hear them very expeditiously. I withdraw my request."

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

Office of the Governor, February 11, 1977.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Lewis Belcher, appointed February 3, 1977, for a term ending at the pleasure of the Governor, succeeding Donald A. Ryan as Director of the Department of Veterans Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2519, by Senator Henry:  
AN ACT Relating to aviation.

Referred to Committee on Transportation.

SENATE BILL NO. 2520, by Senator Henry:  
AN ACT Relating to aviation.

Referred to Committee on Transportation.

SENATE BILL NO. 2521, by Senator Henry:  
AN ACT Relating to public transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2522, by Senator Henry:  
AN ACT Relating to transportation taxation.

Referred to Committee on Transportation.

SENATE BILL NO. 2523, by Senator Henry:  
AN ACT Relating to transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2524, by Senator Henry:  
AN ACT Relating to transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2525, by Senator Henry:  
AN ACT Relating to transportation studies.

Referred to Committee on Transportation.

SENATE BILL NO. 2526, by Senator Henry:  
AN ACT Relating to public transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2527, by Senator Henry:  
AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SENATE BILL NO. 2528, by Senator Rasmussen:

AN ACT Relating to state government and providing for the regulation of automated data processing.

Referred to Committee on State Government.

SENATE BILL NO. 2529, by Senator Henry:  
AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 2530, by Senator Henry:  
AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SENATE BILL NO. 2531, by Senator Henry:  
AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 2532, by Senator Henry:  
AN ACT Relating to marine transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2533, by Senator Henry:  
AN ACT Relating to motor vehicle fuel taxes.

Referred to Committee on Transportation.

SENATE BILL NO. 2534, by Senator Rasmussen (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government.

Referred to Committee on State Government.

SENATE BILL NO. 2535, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2536, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2537, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to transportation taxation.

Referred to Committee on Transportation.

SENATE BILL NO. 2538, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to highway construction bonds.

Referred to Committee on Transportation.

SENATE BILL NO. 2539, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to Washington state ferries.

Referred to Committee on Transportation.

SENATE BILL NO. 2540, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 2541, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to Washington state ferries.

Referred to Committee on Transportation.

SENATE BILL NO. 2542, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to Washington state ferries.

Referred to Committee on Transportation.

SENATE BILL NO. 2543, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 2544, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 2545, by Senator Bailey:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Ways and Means.



SENATE BILL NO. 2546, by Senators Sandison and Scott (by Executive Request of Governor Ray):

AN ACT Relating to tuition and fees of the state institutions of higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2547, by Senator Rasmussen (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government.

Referred to Committee on State Government.

SENATE BILL NO. 2548, by Senator Henry:

AN ACT Relating to transportation taxation.

Referred to Committee on Transportation.

SENATE BILL NO. 2549, by Senator Henry:

AN ACT Relating to marine transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2550, by Senators Jones, Matson, Gould, Hayner, Benitz, Morrison, Cunningham and Buffington:

AN ACT Relating to the public employees' retirement system; amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2551, by Senators Jones, Woody, Matson, Hayner, Gould, Benitz, Morrison, Wanamaker, Cunningham and Buffington:

AN ACT Relating to the public employees' retirement system; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2552, by Senators Goltz, Matson, Van Hollebeke, Day, Jones, Bottiger, Morrison, Hayner and Washington:

AN ACT Relating to crimes and punishments; adding a new section to chapter 9.68 RCW; and providing penalties.

Referred to Committee on Commerce.

## MOTION

On motion of Senator Goltz, Senator Hayner was permitted as an additional sponsor to Senate Bill No. 2552.

SENATE BILL NO. 2553, by Senators Wojahn, Day and North:

AN ACT Relating to health care; amending section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180; amending section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240; amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020; adding a new section to chapter 290, Laws of 1975 1st ex. sess. and to chapter 48.46 RCW; adding a new section to chapter 8, Laws of 1955 ex. sess. and to chapter 48.52 RCW; repealing section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2554, by Senators Benitz, Gaspard, Wanamaker and Morrison:

AN ACT Relating to revenue and taxation; and amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2555, by Senators Sandison and Odegaard:

AN ACT Relating to energy facilities; and amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2556, by Senators Gaspard and Donohue:

AN ACT Relating to alcoholic beverage control; and amending section 1, chapter 217, Laws of 1937 (adding new section 23-E to 1933 ex.s. c 62) and RCW 66.24.250.

Referred to Committee on Commerce.

SENATE BILL NO. 2557, by Senators Gould and Scott:

AN ACT Relating to revenue and taxation; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2558, by Senators von Reichbauer, Ridder, Van Hollebeke, Woody, Buffington, Odegaard, Matson, Bluechel and Jones (by Executive Request of Governor Ray):

AN ACT Relating to the department of motor vehicles; amending section 1, chapter 156, Laws of 1965 and RCW 46.01.010; amending section 2, chapter 156, Laws of 1965 and RCW 46.01.020; amending section 12, chapter 156, Laws of 1965 and RCW 46.01.120; amending section 17, chapter 156, Laws of 1965 and RCW 46.01.170; amending section 1, chapter ... (HB 174), Laws of 1977 and RCW 43.17.010; amending section 2, chapter ... (HB 174), Laws of 1977 and RCW 43.17.020; adding a new section to chapter 156, Laws of 1965 and to chapter 46.01 RCW; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2559, by Senators Sandison, Walgren and Buffington (by Executive Request of Governor Ray):

AN ACT Relating to state government; amending section 4, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.040; amending section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050; creating a new chapter in Title 43 RCW; and repealing section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060.

Referred to Committee on State Government.

SENATE BILL NO. 2560, by Senators Walgren, Bottiger and Odegaard:

AN ACT Relating to sales tax exemptions in relation to the renting or leasing of mobile homes under certain conditions; and amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 113, by Senators Van Hollebeke, Francis, Washington, Jones, Day, Mardesich, Marsh, Murray, Goltz, Bailey, Benitz, von Reichbauer, Grant, Ridder, Bluechel, Walgren, Matson, Hayner, Bottiger, Sellar, Henry, Gaspard, Newschwander, Lewis, Woody and Bausch:

Amending the Constitution to increase the jurisdictional limits of justices of the peace.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 114, by Senators Ridder, von Reichbauer, Bailey, Wanamaker, Van Hollebeke, McDermott, Goltz, Bottiger, Grant, Wojahn, Buffington and Washington (by Executive Request of Governor Ray):

Amending the Constitution to permit future amendments to encompass several sections relating to a single subject.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 115, by Senators Day, Talley and Bottiger (by Executive Request of Governor Ray):

Amending the Constitution to allow the state, its political subdivisions, and municipal corporations to lend their credit to the extent of certain special revenues.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Rasmussen, Bailey, Walgren and Matson:

Relating to the power of the Rules Committees of each house of the legislature to empower their standing and special committees to compel the attendance of witnesses and the production of papers.

Referred to Committee on Rules.

There being no objection, additional sponsors were permitted on Senate Bills 2550, 2551, 2552, 2554, 2558, Senate Joint Resolutions 113, 114, Senate Concurrent Resolution 107.

#### MOTION

At 11:30 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 108, by Senators Morrison, Walgren, Donohue, Matson, Washington, Benitz and Wilson:

Establishing the weather emergency task force.

Referred to Committee on Energy and Utilities.

#### MOTIONS

On motion of Senator Walgren, Senate Concurrent Resolution No. 108 was referred to the Committee on Energy and Utilities.

On motion of Senator Morrison, Senators Benitz and Washington were permitted as additional sponsors to Senate Concurrent Resolution No. 108.

#### POINT OF INQUIRY

Senator Morrison: "Mr. President, would Senator Bottiger yield to a question, please? Senator Bottiger, this particular concurrent resolution deals with the establishment of a weather emergency task force in recognition of the problems that certainly are facing all the citizens of this state, particularly those of us in the areas of irrigated agriculture. Senator Walgren has just referred this particular measure to your committee. Some of us had hoped that we could consider it immediately. I would ask if, as chairman of the energy committee, there is a chance and opportunity for a very early hearing on this measure."

Senator Bottiger: "Senator Morrison, you asked me about that before you asked the question. I called the staff, and we have moved the Thursday meeting next week. We have canceled what was scheduled and have scheduled this in its place."

Senator Morrison: "Thank you, Senator."

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2561, by Senators Donohue, Gaspard, Herr, Ridder, von Reichbauer, Bailey, Matson, Newschwander, Washington, Sandison, Clarke, Buffington, Hayner, Jones, Bluechel, Benitz, Odegaard, McDermott, Woody, Wojahn, Bausch, Goltz, Rasmussen, Wilson, Van Hollebeke, Guess, Gould, Morrison, Murray, Lewis, Sellar and Wanamaker:

AN ACT Relating to weather modification and control; creating new sections and providing for the expiration thereof; making an appropriation; and declaring an emergency.

## MOTIONS

On motion of Senator Walgren, Senate Bill No. 2561 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Senate Bill No. 2561 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 Talley: "Would Senator Donohue yield? Senator Donohue, I think I understood you right, but I want it in the record. This is not authorizing rainmaking, only at this time. This is a temporary deal that does not go into the future. It does not say from now on they can make rain or employ rainmakers."

Senator Donohue: "That is absolutely correct, Senator."

Senator Talley: "Fine."

Debate ensued.

## POINT OF INQUIRY

Senator Grant: "Would Senator Donohue yield? Senator Donohue, section 2 says 'notwithstanding any other provision of law, the act shall supersede' and then it goes to some RCW citations, one being 43.37.190. That RCW says, 'nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the department or any state official.' By superseding that particular section, is it your view that it would open the state to accept liability for any action that occurs, or anything that occurs, or responsibility for anything that occurs?"

Senator Donohue: "Senator, I have got two attorneys here that are getting ready to advise me. It was our intent in drafting the bill, and I had talked to Senator Woody and our attorney on the ways and means staff, that we do check this out, and we did not want to be liable during this period of time and so I would have to — Senator Woody, could you respond?"

Senator Woody: "Mr. President, members of the Senate, the only statute under which anyone can sue the state of Washington is under the state tort claims act, which is in 4.92.090. There are some other statutes that were in existence even before the passage of the state tort claims act which, on the surface, indicated that it imposed some liability on the state. The courts have interpreted however, those statutes as not to waive the immunity of the state. Remember the old saying, 'The king can do no wrong.' I think it was in 1947 in England that they waived that immunity, and the only time we have waived the immunity is in the state tort claims act. I have not looked at the statute that you are talking about until wandering by your desk a minute ago, but it is one of those statutes that existed prior to the tort claims act, and yet there was no ability to sue the state before the tort claims act was passed."

Senator Grant: "Senator Woody, would you look at section 3 of this proposal? I think that that citation is effectively the tort claims act that you spoke to, 4.92.090. I would like to know whether you were aware that that was also apparently being superseded when you made your comments."

Senator Woody: "The section 3, if you will notice on line 27, has the word 'and' in there. The controlling language is the first part that says, 'notwithstanding any other provisions of the law to the contrary, and neither the state nor its agents will be liable for any injuries resulting out of the operation of this program,' and then it continues with, which I would view as unnecessary language, 'and this act shall supersede all existing statutes,' which means 4.92.090, the state tort claims act. It does supersede it in the sense that the state tort claims act would permit actions against the state for negligent damage either to property or to life, and the first language in section 3 definitely states that there is no right of action against the state, notwithstanding the state tort claims act. Section 3 is, in my view, very properly drafted. I am not sure why section 2 is there."

Further debate ensued.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2561 was ordered held on today's calendar following consideration of Engrossed House Concurrent Resolution No. 2 and Gubernatorial Appointments No. 8 and No. 45.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Concurrent Resolution No. 2.

#### SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Martinis, Moreau, Greengo, Gaines and Smith:

Petitioning for the formation of a tri-state legislative fisheries committee for Idaho, Oregon and Washington.

The resolution was read the second time in full.

There being no objection, on motion of Senator Mardesich, an amendment to page 1, line 17 on the Secretary's desk was withdrawn.

#### POINT OF INQUIRY

Senator Mardesich: "Senator Peterson, is it clear that passage of Engrossed House Concurrent Resolution 2 gives to the joint committee therein created or to the individual members thereof no authority to enter into discussion of or pertaining or policy determinations or suggestions relating to the Washington state offshore or Puget Sound fisheries, that this Resolution pertains only to the Columbia river fisheries and further, that this Resolution in no sense leaves any implication that the state of Washington has entered into any tri-state compact or it has delegated, or that it has delegated to the joint committee or the individual members thereof, any authority to make any decisions with respect to such compact or any policy determinations with respect to the fisheries of the Columbia river and its tributaries except in an advisory capacity to this body?"

Senator Peterson: "That is true, Senator Mardesich. The language, perhaps, is a little bit broader than the intent of the measure. The intent simply is to allow the states of Oregon, Washington and Idaho to participate in an attempt to form some management of the Columbia river fishery. It has no broad intent to go into offshore

or Puget Sound waters, and that was the intent. The language, perhaps, as drawn might be a little bit broader, but that is certainly not the intent of the measure."

Senator Mardesich: "I would only ask you to clarify. You said it has no broad intent. I would rather that you said it has no intent to go into the offshore—"

Senator Peterson: "It does have no intent to go beyond the boundaries of the Columbia river fishery, and the Oregon tributaries or the Idaho tributaries to the Columbia fishery."

On motion of Senator Peterson, Engrossed House Concurrent Resolution No. 2 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 House Concurrent Resolution No. 2, and the resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Day, Fleming, Francis, North—4.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, having received the constitutional majority, was declared passed.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Donohue, the appointment of Dr. Robert Hollister as Director of the State Retirement System was confirmed.

#### APPOINTMENT OF DR. ROBERT HOLLISTER

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Cunningham—1.

Excused: Senators Day, Fleming, Francis, North—4.

#### MOTION

On motion of Senator Jones, Senator Cunningham was excused.

#### MOTION

On motion of Senator Walgren, the appointment of Ray Aardal as a member of the Washington State Highway Commission was confirmed.

## APPOINTMENT OF RAY AARDAL

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

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Excused: Senators Cunningham, Day, Fleming, Francis, North—5.

## THIRD READING

SENATE BILL NO. 2561, by Senators Donohue, Gaspard, Herr, Ridder, von Reichbauer, Bailey, Matson, Newschwander, Washington, Sandison, Clarke, Buffington, Hayner, Jones, Bluechel, Benitz, Odegaard, McDermott, Woody, Wojahn, Bausch, Goltz, Rasmussen, Wilson, Van Hollebeke, Guess, Gould, Morrison, Murray, Lewis, Sellar and Wanamaker:

Providing for emergency cloud seeding.

The Senate resumed consideration of Senate Bill No. 2561 from earlier today.

On motion of Senator Walgren, Senate Bill No. 2561 was returned to second reading.

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

On page 1, line 23, after "RCW" insert a period and strike the balance of the sentence.

On motion of Senator Walgren, Engrossed Senate Bill No. 2561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Odegaard, Senator McDermott was excused.

## POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Walgren yield to a question? I probably should ask Senator Bottiger, but I will refer the question to you and then let Senator Bottiger fix it up if he has an idea. In your opinion, now, the way that the bill is amended would the state be free to go ahead in the course of action that is suggested in the bill, in spite of the Boldt decision saying that the Indians would have some rights to the water and so forth?"

Senator Walgren: "In my humble opinion—"

Senator Rasmussen: "Just a moment. It isn't directly related to fish. What my concern is that is the bill so drafted that we may proceed without a federal injunction being issued?"

Senator Walgren: "I certainly hope that this doesn't come back to haunt me, Senator Rasmussen, but in my opinion, yes, it leaves the state free to proceed."

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "Will Senator Donohue yield? Senator Donohue, in the event that there is any question in the future about the interpretation of the non-liability provisions of this act, is it your intent as the prime sponsor that the sole and exclusive interpretation would be that no one could sue for damages or injury arising out

of either the state's direct action or through their agents or employees in the progress of this purpose in this act?"

Senator Donohue: "The answer is yes, Senator."

Senator Woody: "And is it also your intent that on page 1, line 16, where the reference is to contracts, that this not make either the pilots or the operators of the airplane or of the program independent contractors, but rather that they are agents of the state of Washington?"

Senator Donohue: "The answer is also yes, Senator."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Woody yield to a question? Senator Woody, I am one hundred percent in favor of this bill and hope that it will do some good and certainly we have to try."

Senator Woody: "I agree with that."

Senator Rasmussen: "But the tenor of your questions bothered me. Let's assume that if the professor is successful in his cloud seeding operation, and let's assume that we have a tremendous precip and that there is millions of dollars damage caused to these home owners that would be in the path of this. Are you saying by your questions that these people will not have suit against the state?"

Senator Woody: "That is correct, and let me further add to that, that if this were to occur, those people would be able to file what is known as a private bill with the auditor which would then be taken up by the ways and means committee for special relief."

Senator Rasmussen: "Do we have that kind of special relief available in the general fund?"

Senator Woody: "Yes. It is brought up every biennium."

Senator Rasmussen: "Well, let's ask another question. In the event that he was able to produce quantities of rain, and he washes what little snow there is off of the mountains, and the ski operators who have already been hard hit, would they then have to file a private bill?"

Senator Woody: "If they are claiming against the state of Washington or any of its agents for activity under Senate Bill 2561, that is correct."

Senator Rasmussen: "Well, Mr. President, I would think that we ought to get some means of catastrophe insurance to go along with this bill."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask Senator Washington a question if he would yield. Senator Washington, you believe in prayer, I know, as we all do. And you can recall that last year at this time we were praying that the good Lord would stop the rain. He did stop that. Do you think this is flying in the face of our prayers that this year we are telling him we are too dry? Maybe we should start praying for rain again rather than this method."

Senator Washington: "I think we have to change our tactics from time to time."

Senator Rasmussen: It would indicate, Mr. President, when our prayers are not answered in a timely fashion that we may all be sinners."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I can't let that go by. Senator Rasmussen, we have a problem here. We prayed that the rain would stop, and He did stop it, and now our problem is old adage that God only helps those that help themselves, and He sent the clouds and said, 'Take care of it yourself.'"



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2561, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Cunningham, Day, Fleming, Francis, McDermott, North—6.

ENGROSSED SENATE BILL NO. 2561, having received the constitutional majority, was declared passed. 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. 2561 was ordered immediately transmitted to the House.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I just want to remind the members of the Senate that 4:00 P.M. on Sunday is the last day for requests to the Code Reviser pursuant to the cutoff resolution that we have previously adopted."

## MOTION

At 12:44 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, February 14, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTY-SIXTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 14, 1977.

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 Buffington, Fleming, Grant, McDermott, Ridder and Scott. On motion of Senator Odegaard, Senators Fleming, Grant, McDermott and Ridder were excused. On motion of Senator Jones, Senators Buffington and Scott were excused.

The Color Guard, consisting of Pages Andrea Smith and John Hinck, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"THE SKIES HAVE NOT BEEN DARK WITH CLOUDS AND RAIN, FATHER OF ALL, AND WHILE WE WISH NOT TO COMPLAIN OVER SUN AND WARM, WE WANT TO SHARE A CONCERN FOR THE FUTURE. THE GRAND TREES YOU HAVE MADE WILL BE EATEN BY FIRE AND LACK OF WATER, THE GREEN GRASS WILL TURN GOLDEN BROWN—AND OUR JOY WILL BE NO MORE. WE ARE CREATURES WHO NOW AFFIRM OUR NEED FOR YOUR HAND IN NATURE. TOUCH, O LORD, OUR SKIES, AND CAUSE THE RAINS TO DESCEND UPON US. FILL OUR RESERVOIRS. SATISFY OUR LONG FOR FAMILIAR PATTERN OF RAINDROPS ON WILDSHIELDS, AND TO YOU WE WILL GIVE THANKS. 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 11, 1977.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 98, and  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 181, and the same are  
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 11, 1977.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2562, by Senators von Reichbauer, Hayner and Washington:

AN ACT Relating to minimum wages; and amending section 5, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.025.

Referred to Committee on Labor.

SENATE BILL NO. 2563, by Senators Gould, Marsh and Lewis (by Secretary of State request):

AN ACT Relating to United States presidential electors; amending section 29.71.020, chapter 9, Laws of 1965 and RCW 29.71.020; amending section 29.71.040, chapter 9, Laws of 1965 and RCW 29.71.040; and providing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2564, by Senators Ridder, Wojahn, North, Rasmussen and Walgren:

AN ACT Relating to warm air heating, ventilation, and air conditioning; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2565, by Senators Rasmussen, Herr and Buffington (by Secretary of State request):

AN ACT Relating to state government; amending section 87, page 85, Laws of 1854 as last amended by section 344, chapter 249, Laws of 1909 and RCW 9.16.030; amending section 345, chapter 249, Laws of 1909 and RCW 9.16.040; amending section 347, chapter 249, Laws of 1909 and RCW 9.16.060; amending section 4, chapter 218, Laws of 1937 as amended by section 1, chapter 40, Laws of 1967 and RCW 19.24.040; amending section 8, chapter 218, Laws of 1937 as amended by section 1, chapter 108, Laws of 1973 and RCW 19.24.100; amending section 9, chapter 218, Laws of 1937 and RCW 19.24.140; amending section 1, chapter 38, Laws of 1897 and RCW 19.76.100; amending section 1, chapter 211, Laws of 1955 and RCW 19.77.010; amending section 3, chapter 211, Laws of 1955 and RCW 19.77.030; amending section 4, chapter 211, Laws of 1955 and RCW 19.77.040; amending section 5, chapter 211, Laws of 1955 and RCW 19.77.050; amending section 6, chapter 211, Laws of 1955 and RCW 19.77.060; amending section 7, chapter 211, Laws of 1955 and RCW 19.77.070; amending section 8, chapter 211, Laws of 1955 and RCW 19.77.080; amending section 9, chapter 211, Laws of 1955 and RCW 19.77.090; amending section 10, chapter 211, Laws of 1955 as amended by section 65, chapter 81, Laws of 1971 and RCW 19.77.100; amending section 13, chapter 211, Laws of 1955 and RCW 19.77.130; amending section 43.07.120, chapter 8, Laws of 1965 as amended by section 107, chapter 81, Laws of 1971 and RCW 43.07.120; amending section 9-302, chapter 157, Laws of 1965 ex. sess. as amended by section 4, chapter 114, Laws of 1967 and RCW 62A.9-302; amending section 9-401, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-401; amending section 9-403, chapter 157, Laws of 1965 ex. sess. as amended by section 5, chapter 114, Laws of 1967 and RCW 62A.9-403; amending section 9-404, chapter 157, Laws of 1965 ex. sess. as amended by section 6, chapter 114, Laws of 1967 and RCW 62A.9-404; amending section 9-405, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 114, Laws of 1967 and RCW 62A.9-405; amending section 9-406, chapter 157, Laws of 1965 ex. sess. as amended by section 9, chapter 114, Laws of 1967 and RCW 62A.9-406; amending section 12, chapter 114, Laws of 1967 and RCW 62A.9-409; adding new sections to chapter 43.07 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2566, by Senators Benitz, Talley and Morrison:

AN ACT Relating to county seat relocation; amending section 36.12.010, chapter 4, Laws of 1963 and RCW 36.12.010; amending section 36.12.020, chapter 4, Laws of 1963 and RCW 36.12.020; amending section 36.12.030, chapter 4, Laws of 1963 and RCW 36.12.030; and amending section 36.12.040, chapter 4, Laws of 1963 and RCW 36.12.040.

Referred to Committee on Local Government.

SENATE BILL NO. 2567, by Senators Newschwander, Gould, North, Jones, Cunningham, Lewis, Buffington, Sellar, Matson, Bluechel, Benitz, Morrison, Hayner, Wanamaker and Murray:

AN ACT Relating to the apportionment of school funds; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 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 last amended by section 1, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

Referred to Committee on Education.

SENATE BILL NO. 2568, by Senators Donohue and Mardesich:

AN ACT Relating to state government; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 4, chapter 237, Laws of 1967 and RCW 34.04.027; creating a new chapter in Title 44 RCW; repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160; and providing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2569, by Senators Rasmussen, Talley, Henry, Benitz and Bailey:

AN ACT Relating to veterans; amending section 2, chapter 154, Laws of 1972 ex. sess. as amended by section 1, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.020; and amending section 13, chapter 154, Laws of 1972 ex. sess. as last amended by section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2570, by Senators Washington, Bailey and Guess:

AN ACT Relating to school facilities cost stabilization; creating new sections; providing an effective date; and providing for the expiration hereof.

Referred to Committee on Education.

SENATE BILL NO. 2571, by Senators Odegaard, Sandison, Wojahn, Gaspard and Ridder:

AN ACT Relating to employment of illegal aliens; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2572, by Senators Rasmussen and Bottiger:

AN ACT Relating to nuclear safety; amending section 12, chapter 45, Laws of 1970 ex. sess. as amended by section 38, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.120; adding new sections to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2573, by Senator Washington:

AN ACT Relating to appeals from decisions of the pollution control hearings board; amending section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030; amending section 48, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.180; and amending section 50, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.200.

Referred to Committee on Ecology.

SENATE BILL NO. 2574, by Senator Washington:

AN ACT Relating to water well construction; and amending section 12, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.120.

Referred to Committee on Ecology.

SENATE BILL NO. 2575, by Senators Henry, Gould, Bottiger, Ridder and McDermott:

AN ACT Relating to transportation taxation; amending section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; amending section 13, chapter 255, Laws of 1969 ex. sess. as last amended by section 2, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.278; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; amending section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 3, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.110; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; adding new sections to chapter 82.44 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2576, by Senators Walgren, Bailey and Clarke:

AN ACT Relating to post-retirement adjustments of retirement allowances paid by retirement systems created under the general laws of the state of Washington.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2577, by Senator Clarke (by Office of Insurance Commissioner request):

AN ACT Relating to readability and disclosure of insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2578, by Senator Benitz:

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

SENATE BILL NO. 2579, by Senator Lewis:

AN ACT Relating to noise pollution.

Referred to Committee on Ecology.

SENATE BILL NO. 2580, by Senators Gaspard and Wilson:

AN ACT Relating to agricultural water rights.

Referred to Committee on Agriculture.

SENATE BILL NO. 2581, by Senator Gaspard:

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

SENATE BILL NO. 2582, by Senator Gaspard:

AN ACT Relating to water rights.

Referred to Committee on Agriculture.

SENATE BILL NO. 2583, by Senator Gaspard:

AN ACT Relating to pesticides.

Referred to Committee on Agriculture.

SENATE BILL NO. 2584, by Senator Jones:

AN ACT Relating to the retirement of public employees.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2585, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2586, by Senator Henry (by Executive Request of Governor Ray):

AN ACT Relating to revenue.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2587, by Senator Rasmussen:

AN ACT Relating to public employment.

Referred to Committee on State Government.

SENATE BILL NO. 2588, by Senator Rasmussen (by Department of Retirement Systems request):

AN ACT Relating to retirement.

Referred to Committee on State Government.

SENATE BILL NO. 2589, by Senator Rasmussen:

AN ACT Relating to public retirement systems.

Referred to Committee on State Government.

SENATE BILL NO. 2590, by Senator Rasmussen (by Department of Retirement Systems request):

AN ACT Relating to public employment.

Referred to Committee on State Government.

SENATE BILL NO. 2591, by Senators Sandison and Guess:

AN ACT Relating to postsecondary education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2592, by Senator Herr:

AN ACT Relating to boating.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2593, by Senators Sandison and Guess:

AN ACT Relating to community colleges.

Referred to Committee on Higher Education.

SENATE BILL NO. 2594, by Senators Sandison and Guess:

AN ACT Relating to community colleges.

Referred to Committee on Higher Education.

SENATE BILL NO. 2595, by Senators Sandison and Benitz:

AN ACT Relating to vocational education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2596, by Senators Sandison and Guess:

AN ACT Relating to postsecondary education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2597, by Senators Sandison and Benitz:

AN ACT Relating to vocational education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2598, by Senator Rasmussen:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2599, by Senator Rasmussen:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2600, by Senator Bottiger:  
AN ACT Relating to energy.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2601, by Senator Bottiger:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2602, by Senator Bottiger:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2603, by Senator Bottiger:  
AN ACT Relating to energy.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2604, by Senators Sandison and Guess:  
AN ACT Relating to the council for postsecondary education.  
Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 98, by Representatives Bauer, Charnely, Douthwaite, Kilbury, Lee, Lysen, Smith and Nelson (Gary):  
Establishing thermal performance standards for new dwellings.  
Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 181, by Committee on Social and Health Services (Originally sponsored by Representatives King, Haley and Lux):

Providing for physician's trained intravenous therapy technicians and airway management technicians.

Referred to Committee on Social and Health Services.

There being no objection, additional sponsors were permitted on Senate Bills 2564, 2567, 2569, 2571, 2575.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 17, by Representative King:  
Calling three joint sessions of the legislature.

#### MOTIONS

On motion of Senator Walgren, House Concurrent Resolution No. 17 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, House Concurrent Resolution No. 17 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

Senator Rasmussen moved the appointment of Vernon L. Barnes as the Director of General Administration be confirmed.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Rasmussen yield to a question? Senator Rasmussen, during the course of the interrogation of Mr. Barnes, was any inquiry made with respect to the term of service he had had with the federal GSA and his current retirement position with respect to the federal government?"

Senator Rasmussen: "All he indicated on his information sheet was that he had worked with the federal government for approximately twenty-five years and was going to be retired from the federal government."

Senator Mardesich: "And he had worked in general administration."

Debate ensued.

The motion by Senator Rasmussen carried and the appointment of Vernon L. Barnes as Director of General Administration was confirmed.

#### APPOINTMENT OF VERNON L. BARNES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senators Cunningham, Jones, Newschwander—3.

Excused: Senators Buffington, Fleming, Grant, McDermott, Scott—5.

#### SECOND READING

SENATE BILL NO. 2024, by Senators Guess, Beck and Henry:

Establishing equipment rental funds in counties.

The Senate resumed consideration of Senate Bill No. 2024. On February 9, 1977, the committee amendments were adopted.

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

On page 1, line 11, after "rental" and before "fund" insert "and revolving"

On page 2, line 9, after "rental" and before "fund" insert "and revolving"

On page 2, line 15, after "rental" and before "fund" insert "and revolving"

On page 2, line 19, after "rental" and before "fund" insert "and revolving"

#### POINT OF INQUIRY

Senator Mardesich: "If Senator Wilson would yield before the measure is advanced. Senator Wilson, the question was raised with respect to this measure as to whether or not the new funds would be under the bidding requirements which the present funds now are subject to. Was that question investigated and what is the answer?"

Senator Wilson: "The answer was the four amendments that we just adopted which clearly place this fund under the same bidding requirements, namely 36.82-.130, that applied to the two funds that we are eliminating."

Senator Mardesich: "These points of the language would accomplish that?"

Senator Wilson: "Well, 36.82.130 which is not at issue in this bill, contains the bidding requirements which pertain to county equipment rental and revolving funds. We have just changed the name of the new fund we are creating to county equipment rental and revolving fund, and therefore there will be a clear application."

#### MOTION

On motion of Senator Wilson, Engrossed Senate Bill No. 2024 was advanced to third reading, the second reading the third, and the bill was placed on final passage.



## POINT OF INQUIRY

Senator Donohue: "Would Senator Guess yield? Senator, in section 2, where it also authorizes the legislative body of any county to use these funds for any other office or other governmental agencies for similar purposes, what other governmental agencies are you speaking to?"

Senator Guess: "Senator, the situation would be, I would presume, that only in the instance where the cities might want in an emergency situation to rent some of the county equipment, it could be rented to the city for the emergency period and be charged to the agency using it. It might also be a mosquito district or some other district like that that would have to have equipment on a temporary basis formed as a junior taxing district would be able to use their equipment."

Senator Donohue: "It also could mean, couldn't it, that it could be a state agency of some kind?"

Senator Guess: "A state agency in some instances—"

Senator Donohue: "I was just asking why it was there. This is new language."

Senator Guess: "Yes, sir. It is for the better cooperation between all branches of government in case the necessity arose."

## POINT OF INQUIRY

Senator Woody: "Would Senator Guess yield? Senator Guess, Senator Donohue raised a very interesting point here, and I think it might have more value than I originally thought. Under that same section, page 2, beginning line 13, would it be possible for a county, a sheriff's office, to rent on an hourly or a weekly or a daily basis some of its equipment, including the patrol cars, to a small city which does not have funds to maintain and own new and up-to-date vehicles as their own cost."

Senator Guess: "Senator, I believe that is already available to the various agencies in the intergovernmental cooperation act, but it had not occurred to us under this situation, and that might be possible."

Senator Woody: "Thank you, Senator Guess. I think that makes the bill even better than it was before because there are a lot of small cities that we have throughout the state. I have one, little Brier, which as you know, has a new police chief about once every six months because they can't afford to either hire their law enforcement people or to keep cars on the road. Some of their old cars were so old and delapidated that they could not catch a speeder."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2024, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senators Donohue, Matson—2.

Excused: Senators Fleming, Grant, Scott—3.

ENGROSSED SENATE BILL NO. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2175, by Senator Rasmussen:

Allowing beer and wine to be served in containers other than glasses or bottles.

The Senate resumed consideration of Senate Bill No. 2175. On February 10, 1977, the committee amendments were adopted. The following amendment by Senators Bluechel, Buffington, Morrison, Jones, Ridder, Gould, North, Hayner, Scott, Goltz and Guess had been moved for adoption on that day:

On page 4, line 36, insert a new section as follows:

"NEW SECTION. Sec. 6. There is added to chapter 66.24 RCW a new section to read as follows:

No retail liquor licensee shall provide or sell any alcoholic beverage in the spectator seating areas at sports arenas during recognized athletic events. This practice is also known as "hawking."

Renumber remaining section consecutively.

At that time, a point of order was raised by Senator Walgren on the scope and object of the amendment.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, I believe there was a motion pending on scope and object on an amendment offered to this bill."

## RULING BY THE PRESIDENT

President Cherberg: "Yes, Senator Rasmussen. Are there further remarks on the point of order presented by Senator Walgren? In ruling upon the point of order as presented by Senator Walgren, the President finds that Senate Bill 2175's sole purpose is to simply permit the serving of beer and wine in certain types of containers. Senator Bluechel's amendment presents a new proposition that would prevent the sale of any alcoholic beverages in spectator areas at sports arenas during recognized athletic events, therefore the amendment is beyond the scope and object of Senate Bill 2175 and the point of order is well taken."

The amendment was ruled out of order.

Senator Rasmussen moved that Engrossed Senate Bill No. 2175 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## POINT OF INQUIRY

Senator Mardesich: "Mr. President, before the bill is advanced, would Senator Rasmussen yield? Senator Rasmussen, section one provides for class A licenses, and one of the provisos beginning on line 27 is the proviso that unpasteurized beer so sold must be in an original sealed package, but not less than seven and three quarters gallons and then it provides that these licenses for such sales shall be issued to hotels, restaurants, drug stores soda fountains, dining places on boats and airplanes, to clubs and in sports arenas or race tracks. Is that some old hold-over in the law, or what is that all about? Is it something that we should take out as no longer needed or what is the situation?"

Senator Rasmussen: "Well, Senator Mardesich, that is old law, Leroy Hittle, a member of the liquor board, said that the only unpasteurized beer now sold in the state is in kegs or on tap. Then some reference must remain in the bill to merit sale of beer by these methods, so that is old law and should remain in the bill."

## POINT OF INQUIRY

Senator Day: Would Senator Rasmussen yield? Have we amended this now so that small containers of unpasteurized beer can be sold to the public in this state? If we have not, then that would preclude Coors beer from being sold in the state of Washington, and I think we need an amendment to take care of that. That is the only beer that is fit to drink as far as I am concerned."

(No reply.)

## MOTION

On motion of Senator Rasmussen Senate Bill No. 2175, as amended, was ordered to hold its place on the second reading calendar for February 15, 1977.

## SECOND READING

SENATE BILL NO. 2156, by Senators Day, Woody, McDermott, Sellar and Francis:

Permitting certain corporations of health care professionals to act as self-insurers against liability.

The bill was read the second time by sections.

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

On page 1, line 11, after "code." strike the material down through and including "two" on line 13 and insert "Two" after "or" on line 13

On page 1, line 18, after "code." insert "An association or other entity composed of two or more health care professionals licensed pursuant to chapters 18.22, 18.25, 18.32, 18.57, 18.71, or 18.88 RCW which join an organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against claims brought under chapter 56, Laws of 1976, through a contributing trust fund shall not be deemed an "insurer" under this code."

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Day yield? Senator Day, I haven't offered an amendment, but on line 12 it says that association which is formed by the professionals may be composed of two or more health care professionals, and I am wondering whether any consideration was given to raising that figure from two to something higher as a means of insuring financial responsibility on the part of the self-insurers. Two people might be a relatively weak—"

Senator Day: "Yes, Senator, there was consideration, and the answer to the question is that there is no law that says they have to have any type of insurance. So in reality, if two or more go together, they are certainly going to be more financially responsible than one who has no health care coverage. Of course, his own assets would then be subject to a suit, and this way there would be at least two that would be subject to suit. We accepted that as meaning that if they were going to join together for this purpose that they more than likely would be trying to provide adequate cushion to their own assets, and in so doing would make the thing responsible."

On motion of Senator Day, 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; nays, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Voting nay: Senator Clarke—1.

Excused: Senators Fleming, Grant, Scott—3.

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.

## MOTIONS

On motion of Senator Bluechel, Senators Gould, North, Hayner and Buffington were excused.

On motion of Senator Marsh, Senators Ridder and Wojahn were excused.

## SECOND READING

SENATE BILL NO. 2129, by Senators Walgren, Clarke, Rasmussen and Wilson:

Requiring a statement of purpose and other information to accompany agency rules.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2129 was substituted for Senate Bill No. 2129 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. 2129 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Cunningham: Thank you, Mr. President, would Senator Clarke yield to a question? Senator Clarke, does this bill also require that the individual writing the rule sign it so you can go back to find out who it was that dreamed this turkey up?"

Senator Clarke: "I don't believe that it specifically requires the person who originally proposed except insofar as it does require a list of the proponents. Of course, the agency itself and the administrative head of that agency, presumptively, would have the ultimate responsibility of drafting or determining what would be in the final draft of a proposed change of rule that would be before his agency."

Senator Cunningham: "Thank you, Senator Clarke."

## MOTION

On motion of Senator Cunningham, Substitute Senate Bill No. 2129 was ordered held on the third reading calendar for February 15, 1977.

MOTION

At 12:02 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, February 15, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTY-SEVENTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 15, 1977.

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

The Color Guard, consisting of Pages Trina Perry and John Power, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"LORD, WE FEEL ADRIFT IN A SEA OF PAPER AS LEGISLATIVE BILLS ARE SET BEFORE US FOR STUDY AND ACTION. AS ONCE YOU STILLED THE WATERS OF A SEA, SO NOW STILL OUR MINDS AS WE WALK THROUGH THIS SEA OF POSSIBILITIES OF GOOD FOR THE CITIZENS OF THIS STATE. CHART A COURSE FOR US DIRECTED BY CONCERN FOR ALL AND BALANCED BY OUR CAPACITY TO SHARE. REMIND US THAT THIS SEA, TOO, WILL PASS. 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 10, 1977.

SENATE BILL NO. 2032, establishing procedures for organization of minor political parties (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2032 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2057, bringing various laws dealing with motor vehicle operators into accord with current practices (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2108, revising laws pertaining to metropolitan public transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2376, providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2485, establishing new functional classifications for highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2486, modifying the methods for closing highways and restricting traffic (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 14, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 227, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 11, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 2, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, Introductions and Referrals will be made at a later time today after members have had an opportunity to check the listing of bills and referrals.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2175, as amended on February 10, 1977, was ordered to hold its place on the second reading calendar for February 17, 1977.

#### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2129 will be considered following Senate Bill No. 2067.

## SECOND READING

SENATE BILL NO. 2019, by Senator Rasmussen:  
Changing the requirements for legal publications.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2019 was substituted for Senate Bill No. 2019 and the substitute bill was placed on second reading and read the second time in full.

Senator Peterson moved adoption of the following amendment:

On page 2, line 16, strike "best and".

Debate ensued.

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

Senator Walgren moved adoption of the following amendment:

On page 3, line 14, strike all of subsection (3). Renumber the following subsection.

Debate ensued.

## POINT OF INQUIRY

Senator Day: "Will Senator Walgren yield? Senator, wouldn't it possibly be a better thing to amend this to say that the statement is complete and accurate as to the contents of the submission?"

Senator Walgren: "You mean simply strike the legal advisor doing that?"

Senator Day: "Yes."

Senator Walgren: "I think that is correct."

Senator Day: "Rather than striking the whole—"

## POINT OF INQUIRY

Senator Bottiger: "Will Senator Walgren yield to another question? Senator Walgren, in support of your motion, I am not sure that I am making a speech or asking a question, but my reaction would be if I were to be required to certify this, what I would do is not print a summary. I would print the whole thing. It would be the only safe way to handle it."

Senator Walgren: "That is right."

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

## MOTIONS

On motion of Senator Jones, Senator Murray was excused.

On motion of Senator Wilson, Engrossed Substitute Senate Bill No. 2019 was advanced to third reading, the second reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Peterson: "Will Senator Wilson yield? Senator Wilson, I can appreciate your concern, and I think that probably the thrust is directed towards those counties that maybe only have one circulating newspaper. I happen to have eight in mine, in Skagit County, a portion of my district, and they are all newspapers of general circulation. Now, is there anything in this bill that would prevent the local governing body, the county commissioners, from awarding—supposing that all eight newspapers bid on the contract. Is there anything in here that would keep the county commissioners from awarding the contract to the highest bidder?"



Senator Wilson: "No, there is not."

Senator Peterson: "For that reason, Senator Wilson, I am going to have to oppose this bill."

Senator Wilson: "If I might comment further, the commissioners by law are called upon to consider various factors, among them, the amount of the bid, circulation of the paper and so on, but there is no specific phrase in here that would prevent that from happening."

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2019, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Lewis, Marsh, McDermott, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—33.

Voting nay: Senators Cunningham, Day, Francis, Herr, Keefe, Mardesich, Matson, Morrison, Peterson, Pullen, Scott, Van Hollebeke—12.

Absent or not voting: Senators Buffington, Wilson—2.

Excused: Senators Fleming, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2211, by Senators Talley, Bausch and Marsh (by Department of Natural Resources request):

Authorizing commission on harbor lines to change harbor lines.

The bill was read the second time by sections.

Senator Mardesich moved consideration and adoption of the following amendments simultaneously:

On page 1, line 8, after "authorized to" strike "change, relocate, or reestablish" and insert "((change, relocate or reestablish)) propose change, relocation or reestablishment of"

On page 1, line 24, after the period add "Any such change, relocation or reestablishment of such harbor lines shall be submitted to the Washington State Senate for ratification or rejection."

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Mardesich yield to a question? Senator Mardesich, your amendment is offered on the basis that all of the lands under the waters and rivers and the bay belong to the state and to the people of the state."

Senator Mardesich: "That is correct."

Senator Rasmussen: "Contrary to just purely a local zoning on a dry land area?"

Senator Mardesich: "That is correct."

Senator Rasmussen: "I think that your amendment has merit, and certainly the people of the whole state are interested in what they do with the harbor line because I understand there is some radical changes proposed and not directly related to marine use."

## REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, we will also add that most of these harbor lines were established before the state became a state. They were established in territorial days. A lot of the older towns, especially on the Sound, have built out over these harbor lines, and the same way on the Columbia river. A lot of our docks and things like that are out over the harbor lines now, and they have to be straightened out and changed."

## POINT OF INQUIRY

Senator Gaspard: "Will Senator Mardesich yield to a question? Senator Mardesich, if you could possibly share with us your rationale for just including the Washington State Senate for ratification or rejection, and not the Washington State Legislature as a whole, and if there is precedent that has been set where the Senate deals to this type of a situation other than a confirmation of the Governor's appointees."

Senator Mardesich: "Mr. President, I did have in mind the confirmation procedure. I certainly would have no objection to a change in the amendment at the top of the page rather than 'Washington State Senate', it could be changed to 'Washington State Legislature', and that would include both Houses and probably properly so."

On motion of Senator Gaspard, the following amendment to the amendment by Senator Mardesich was adopted:

On line 4 of the amendment to line 24, strike "Senate" and insert "Legislature".

On motion of Senator Woody, the following amendment to the amendment by Senator Mardesich was adopted:

After "rejection" in the Gaspard Amendment to the Mardesich Amendment to line 24, add "at the next convened regular or extraordinary session".

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Mardesich yield? Senator Mardesich, under the current law, the Legislature does have to give that permission. What would be the advantage of passing the new law with your amendment on it?"

Senator Mardesich: "Well, the bill is on the floor, either pass it or reject it, and this makes it good and clear that we are restating the law without requiring further that we come in and amend the law at any time a harbor line wants to be changed. The law as it now stands requires that we change the law at any time, and all we do if my amendments were to be adopted, then the harbor line change would be suggested to us, we would study it and the matter would come before us for rejection or acceptance, much the same procedure but does not require an amendment to the law at every time."

Further debate ensued.

## POINT OF INQUIRY

Senator Herr: "Thank you, Mr. President. Would Senator Mardesich yield to a question? Senator Mardesich, are you getting advice from another attorney, or what?"

Senator Mardesich: "I was listening with both ears, Senator."

Senator Herr: "It is my interpretation—I was listening to Senator Guess—but being one of the non-attorneys, I think you have certainly brought up a good point. Now, have you researched this?"

Senator Mardesich: "Obviously so, or I wouldn't have drafted the amendment."  
 Senator Herr: "Well, thank you very much."

#### MOTION

Senator Talley moved that the amendment by Senator Mardesich, as amended, be laid upon the table.

The motion by Senator Talley failed.

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

#### MOTION

On motion of Senator Talley, Senate Bill No. 2211, as amended, was referred to the Committee on Natural Resources.

#### MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

#### SECOND READING

SENATE BILL NO. 2067, by Senators Woody, Clarke, Donohue, Odegaard, Scott, Bausch and Gould (by Legislative Budget Committee request):

Supplementing law relating to traffic safety education courses.

The bill was read the second time by sections.

On motion of Senator McDermott, Senate Bill No. 2067 was advanced to third reading, the second 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. 2067, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wojahn, Woody—43.

Voting nay: Senators Grant, Walgren, Wilson—3.

Excused: Senators Donohue, Fleming, Murray—3.

SENATE BILL NO. 2067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 2129, by Committee on State Government (originally sponsored by Senators Walgren, Clarke, Rasmussen and Wilson):

Requiring a statement of purpose and other information to accompany agency rules.

#### MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2129 was returned to second reading.

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

On page 1, line 23, insert "(d) The name of the individual(s) who drafted the new or amendatory rule;"

Reletter remaining subsections consecutively.

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

On page 2 following section 1, add a new section to read as follows:

Sec. 2. Section 4, chapter 234, Laws of 1959 and RCW 34.04.040 are each amended to read as follows:

"(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of ((filing)) publication unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request."

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

Amend the title in line 2 after "RCW" inserting "and amending section 4, chapter 234, Laws of 1959 and RCW 34.04.040"

On motion of Senator Rasmussen, Engrossed Substitute Senate Bill No. 2129 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. 2129, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Fleming, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

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

On motion of Senator Walgren, Senate Concurrent Resolution No. 110 was ordered to remain on the desk of the Secretary of the Senate.

On motion of Senator Walgren, the following introductions and referrals were made as indicated, there being no objection.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2605, by Senators Jones, Walgren, Sellar, Matson and Benitz:

AN ACT Relating to public employees' retirement; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2606, by Senator Mardesich:

AN ACT Relating to commercial and business transactions; and amending section 1, chapter 142, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1975 1st ex. sess. and RCW 19.52.080.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2607, by Senators Guess, Francis and Hayner:

AN ACT Relating to liens; adding a new chapter to Title 60 RCW; repealing section 1, chapter 24, Laws of 1893, section 1, chapter 116, Laws of 1905, section 1, chapter 279, Laws of 1959, section 2, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.010; repealing section 1, chapter 45, Laws of 1909, section 1, chapter 77, Laws of 1911, section 1, chapter 214, Laws of 1957, section 1, chapter 278, Laws of 1959, section 2, chapter 279, Laws of 1959, section 1, chapter 98, Laws of 1965, section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020; repealing section 2, chapter 24, Laws of 1893, section 2, chapter 116, Laws of 1905 and RCW 60.04-.030; repealing section 3, chapter 24, Laws of 1893, section 1, chapter 230, Laws of 1929, section 3, chapter 279, Laws of 1959, section 3, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.040; repealing section 4, chapter 24, Laws of 1893, section 4, chapter 279, Laws of 1959 and RCW 60.04.050; repealing section 5, chapter 24, Laws of 1893, section 1(5a), chapter 217, Laws of 1949, section 5, chapter 279, Laws of 1959, section 1, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.060; repealing section 1(5b), chapter 217, Laws of 1949, section 6, chapter 279, Laws of 1959 and RCW 60.04.064; repealing section 1(5c), chapter 217, Laws of 1949, section 7, chapter 279, Laws of 1959 and RCW 60.04.067; repealing section 6, chapter 24, Laws of 1893, section 2, chapter 217, Laws of 1949 and RCW 60.04.070; repealing section 7, chapter 24, Laws of 1893 and RCW 60.04.080; repealing section 8, chapter 24, Laws of 1893, section 8, chapter 279, Laws of 1959 and RCW 60.04-.090; repealing section 9, chapter 24, Laws of 1893, section 1, chapter 209, Laws of 1943 and RCW 60.04.100; repealing section 10, chapter 24, Laws of 1893, section 9, chapter 279, Laws of 1959 and RCW 60.04.110; repealing section 11, chapter 24, Laws of 1893 and RCW 60.04.120; repealing section 12, chapter 24, Laws of 1893, section 10, chapter 279, Laws of 1959, section 1, chapter 38, Laws of 1969, section 129, chapter 81, Laws of 1971 and RCW 60.04.130; repealing section 14, chapter 24, Laws of 1893, section 11, chapter 279, Laws of 1959 and RCW 60.04.140; repealing section 15, chapter 24, Laws of 1893 and RCW 60.04.150; repealing section 16, chapter 24, Laws of 1893 and RCW 60.04.160; repealing section 17, chapter 24, Laws of 1893 and RCW 60.04.170; repealing section 13, chapter 24, Laws of 1893, section 12, chapter 279, Laws of 1959 and RCW 60.04.180; repealing section 1, chapter 47, Laws of 1973 1st ex. sess. and RCW 60.04.200; repealing section 1, chapter 110, Laws of 1917 and RCW 60.16.010; repealing section 2, chapter 110, Laws of 1917 and RCW 60.16.020; repealing section 3, chapter 110, Laws of 1917 and RCW 60.16.030; repealing section 1, chapter 18, Laws of 1943 and RCW 60.20.010; repealing section 2, chapter 18, Laws of 1943 and RCW 60.20.020; repealing section 3, chapter 18, Laws of 1943, section 1, chapter 239, Laws of 1955 and RCW 60.20.030; repealing section 4, chapter 18, Laws of 1943 and RCW 60.20.040; repealing section 5, chapter 18, Laws of 1943 and RCW 60.20.050; repealing section 6, chapter 18, Laws of 1943 and RCW 60.20.060; repealing section

1, chapter 107, Laws of 1931 and RCW 60.48.010; and repealing section 2, chapter 107, Laws of 1931 and RCW 60.48.020.

Referred to Judiciary Committee.

**SENATE BILL NO. 2608**, by Senators Francis, Buffington and Marsh:

AN ACT Relating to crimes; amending section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310; amending section 2, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.705; amending section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710; amending section 7, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.730; amending section 23, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.810; adding a new chapter to Title 10 RCW; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2609**, by Senators Rasmussen, Washington and Guess:

AN ACT Relating to solar energy; and adding new sections to Title 64 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2610**, by Senator Mardesich:

AN ACT Relating to the powers and duties of state agencies established and delegated to regulate the activities of private businesses operating under the laws of this state; specifying the manner in which such regulatory agencies may proceed along legal courses to penalize businesses found in violation of the laws, rules and regulations in force in this state; providing for the finding of judgments and avenues of appeal in matters involving violations or charges of violations; providing for payment of court fees or other litigation costs involved in such instances; and creating new sections.

Referred to Judiciary Committee.

**SENATE BILL NO. 2611**, by Senator Day:

AN ACT Relating to the chiropractic disciplinary board; and amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2612**, by Senator Mardesich:

AN ACT Relating to counties; adding a new section to chapter 4, Laws of 1963 and to chapter 36.27 RCW; adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and repealing section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200.

Referred to Local Government.

**SENATE BILL NO. 2613**, by Senator Washington:

AN ACT Relating to waste disposal facilities; and amending section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050.

Referred to Committee on Ecology.

**SENATE BILL NO. 2614**, by Senators Matson, Donohue, Mardesich and Morrison:

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. 2615, by Senator Mardesich:

AN ACT Relating to public health; amending section 1, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.010; amending section 8, chapter 183, Laws of 1945 as last amended by section 10, chapter 85, Laws of 1971 ex. sess. and RCW 70.46-.080; amending section 20, chapter 51, Laws of 1967 ex. sess. and RCW 70.46.085; adding new sections to chapter 70.46 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2616, by Senator Day:

AN ACT Relating to public assistance; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; and providing a penalty.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2617, by Senators McDermott, Ridder, Grant, Gould, North and Murray:

AN ACT Relating to nursing homes; amending section 7, chapter 117, Laws of 1951 as last amended by section 2, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.060; adding a new section to chapter 18.51 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2618, by Senators Rasmussen, Lewis, Pullen, Herr, Guess, Hayner and Wanamaker:

AN ACT Relating to education; defining the rights of parents of school children and the responsibilities of schools, their officials and personnel, as to curriculum, testing, pupil records, methods of instruction and pupil academic progress; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW; and prescribing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2619, by Senators Benitz and Morrison:

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

Referred to Committee on Agriculture.

SENATE BILL NO. 2620, by Senators Benitz and Morrison:

AN ACT Relating to emergency use of water; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 2621, by Senator Day:

AN ACT Relating to the medical disciplinary board.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2622, by Senator Day:

AN ACT Relating to housing.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2623, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2624, by Senator Peterson:

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2625, by Senators Talley, North and Wilson:

AN ACT Relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 2626, by Senator Jones:  
AN ACT Relating to the retirement of public employees.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2627, by Senator Day:  
AN ACT Relating to social and health services.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2628, by Senators Morrison and Mardesich:  
AN ACT Relating to unemployment compensation.  
Referred to Committee on Labor.

SENATE BILL NO. 2629, by Senator Jones:  
AN ACT Relating to the retirement of public employees.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2630, by Senator Washington:  
AN ACT Relating to ecology and the preservation of family farms.  
Referred to Committee on Ecology.

SENATE BILL NO. 2631, by Senators Morrison and Benitz:  
AN ACT Relating to water rights; making an appropriation; and declaring an emergency.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2632, by Senators Morrison and Benitz:  
AN ACT Relating to water distribution projects; making an appropriation; and declaring an emergency.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2633, by Senator Peterson:  
AN ACT Relating to forest practices.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2634, by Senator Peterson:  
AN ACT Relating to natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2635, by Senator Wilson:  
AN ACT Relating to local government.  
Referred to Committee on Local Government.

SENATE BILL NO. 2636, by Senator Wilson:  
AN ACT Relating to local government.  
Referred to Committee on Local Government.

SENATE BILL NO. 2637, by Senator Goltz:  
AN ACT Relating to physicians.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2638, by Senator Day:  
AN ACT Relating to on-site sewage systems.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2639, by Senator Day:  
AN ACT Relating to health care insurance.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2640, by Senator Day:  
AN ACT Relating to health care delivery.  
Referred to Committee on Social and Health Services.



SENATE BILL NO. 2641, by Senator Goltz:  
AN ACT Relating to mental health.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2642, by Senator Day:  
AN ACT Relating to optometry.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2643, by Senator Peterson:  
AN ACT Relating to game and game fish.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2644, by Senator Goltz:  
AN ACT Relating to open public meetings.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2645, by Senator Peterson:  
AN ACT Relating to food fish and shellfish.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2646, by Senator Benitz:  
AN ACT Relating to postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2647, by Senator Benitz:  
AN ACT Relating to and providing for the regulation of postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2648, by Senators Sellar, Talley and Wilson:  
AN ACT Relating to fire protection districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 2649, by Senators Wilson, Sellar and Talley:  
AN ACT Relating to local government.  
Referred to Committee on Local Government.

SENATE BILL NO. 2650, by Senators Rasmussen and Guess:  
AN ACT Relating to state government and the economic impacts of noise regulation.  
Referred to Committee on Ecology.

SENATE BILL NO. 2651, by Senator Bottiger:  
AN ACT Relating to Energy Conservation.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2652, by Senators Mardesich and Morrison:  
AN ACT Relating to unemployment compensation.  
Referred to Committee on Labor.

SENATE BILL NO. 2653, by Senator Bottiger:  
AN ACT Relating to shoreline management.  
Referred to Committee on Ecology.

SENATE BILL NO. 2654, by Senator Bottiger:  
AN ACT Relating to state environmental policy act.  
Referred to Committee on Ecology.

SENATE BILL NO. 2655, by Senator Woody:  
AN ACT Revising the juvenile court code.  
Referred to Judiciary Committee.

SENATE BILL NO. 2656, by Senator Gaspard:  
AN ACT Relating to weather modification and control.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2657, by Senator von Reichbauer:  
AN ACT Relating to the interagency committee on outdoor recreation.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2658, by Senator von Reichbauer:  
AN ACT Relating to parks and recreation.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2659, by Senator von Reichbauer:  
AN ACT Relating to state recreation planning.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2660, by Senator von Reichbauer:  
AN ACT Relating to youth development.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2661, by Senator von Reichbauer:  
AN ACT Relating to the organization and authority of the parks and recreation commission.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2662, by Senators Rasmussen and Henry:  
AN ACT Relating to the veterans affairs advisory committee; and amending section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080.  
Referred to Committee on State Government.

SENATE BILL NO. 2663, by Senator Rasmussen:  
AN ACT Relating to the economic impact act; and amending section 4, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.040.  
Referred to Committee on State Government.

SENATE BILL NO. 2664, by Senators Rasmussen and Pullen:  
AN ACT Relating to restitution by criminals to their victims for property loss or damage; amending section 1, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.160; amending section 2, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.170; amending section 3, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.180; amending section 36.63.260, chapter 4, Laws of 1963 and RCW 36.63.260; adding a new section to chapter 9.95 RCW; and creating new sections.

Referred to Judiciary Committee.

SENATE BILL NO. 2665, by Senators Jones, Walgren and Sellar:  
AN ACT Relating to public employees' retirement; adding new sections to chapter 41.40 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2666, by Senators Guess, Clarke and Goltz:  
AN ACT Relating to industrial insurance; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020.

Referred to Committee on Labor.

SENATE BILL NO. 2667, by Senators Morrison and Matson:  
AN ACT Relating to labor; amending section 1, chapter 125, Laws of 1974 ex. sess. as amended by section 1, chapter 50, Laws of 1975 1st ex. sess. (uncodified); amending section 4, chapter 125, Laws of 1974 ex. sess. as amended by section 3, chapter 50, Laws of 1975 1st ex. sess. (uncodified); and repealing section 3, chapter

125, Laws of 1974 ex. sess., section 2, chapter 50, Laws of 1975 1st ex. sess. (uncodified).

Referred to Committee on Labor.

SENATE BILL NO. 2668, by Senators Marsh, Francis and Buffington:

AN ACT Relating to landlord and tenant; and adding a new chapter to Title 59 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2669, by Senator Van Hollebeke:

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 Commerce.

SENATE JOINT RESOLUTION NO. 116, by Senators Bottiger, Lewis, Bausch and Gaspard:

Permitting the lending of state and local government credit for energy conservation services and materials.

Referred to Committee on Energy and Utilities.

SENATE CONCURRENT RESOLUTION NO. 109, by Senator Day:

Relating to Health.

Referred to Committee on Social and Health Services.

There being no objection, additional sponsors were permitted on Senate Bills 2605, 2614, 2617, 2618, Senate Joint Resolution 116.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 227, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Nelson (Dick), Lysen, Burns, Fortson, Heck, Lux and Pruitt):

Establishing postcard voter registration.

Referred to Committee on Constitution and Elections.

#### MOTION

At 12:16 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Wednesday, February 16, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTY-EIGHTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 16, 1977.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Grant, Newschwander and Odegaard. On motion of Senator Jones, Senator Newschwander was excused. On motion of Senator Marsh, Senator Odegaard was excused. On motion of Senator Donohue, Senator Grant was excused.

The Color Guard, consisting of Pages Tracy Gallagher and Gregory Hatfield, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O GOD, WHOSE KNOWLEDGE IS COMPLETE, WE ACKNOWLEDGE OUR NEED TO SEARCH FOR EDUCATIONAL EXCELLENCE WITHIN THIS STATE. GRANT US THE WILL, AND THE MEANS, TO SUPPORT NOT ONLY GOOD ELEMENTARY AND SECONDARY SCHOOLS, BUT ALSO LEARNING IN THOSE SPECIAL FIELDS WHERE THE RESTLESS ARE RE-DIRECTED, THOSE WITH DIFFICULTIES STRENGTHENED WITH NEW OPPORTUNITY, AND THOSE OF SOUND MIND AND BODY CHALLENGED TO LIFE-LONG WRESTLING WITH TRUTH. FOR ALL OF LIFE, THROUGH ALL OF LIFE, GRANT US THE DESIRE TO LEARN. TO THOSE WHO STRUGGLE WITH THE MEANS TO ACCOMPLISH THESE GOALS, GRANT WISDOM AND COURAGE. 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 10, 1977.

SENATE BILL NO. 2006, prohibiting metal beverage containers equipped with an opening device that detaches from the container (reported by Committee on Ecology):

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

Signed by: Senators Washington, Chairman; Goltz, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2143, increasing the number of superior court judges in Pierce county from ten to twelve (reported by Judiciary Committee):

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

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2184, making certain changes in the laws relating to the registration of contractors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2193, removing the criminal sanctions relating to the operation of a motorcycle while not wearing a helmet (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Guess, Keefe, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2283, waiving community college fees for students registered to complete high school education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Referred to Committee on Ways and Means.

February 15, 1977.

SENATE BILL NO. 2314, increasing county auditor's fees for official services (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Talley.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2324, providing an alternative method of giving notice of a materialman's lien (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2339, prescribing rights of private property owners (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2377, revising authority for certain class H liquor licenses (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2400, changing the name of the office of program planning and fiscal management to the office of fiscal management (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2402, authorizing vessels in transit to or from Canadian ports to employ pilots licensed by the Pacific Pilotage Authority (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Keefe, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2407, revising requirements for liquor licenses (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2408, establishing a charge for pamphlets of liquor regulations (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2435, providing for disposition of operating fees charged at institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Refer to Ways and Means Committee as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Referred to Committee on Ways and Means.

February 16, 1977.

SENATE BILL NO. 2439, extending the obligation of urban arterial trust funds for one more year (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Keefe, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2451, allowing for a longer appeal period from actions of county boards of equalization (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Talley.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2463, removing the state auditor from membership on the state retirement board (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman, Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2478, allowing institutions of higher education to collect certain debt charges if provided for in the agreement signed by the debtor (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE JOINT RESOLUTION NO. 109, pertaining to state debt limitations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bailey, Grant, Jones, Marsh, Morrison, Rasmussen, Scott, Walgren, Woody.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 15, 1977.

MARY HERSEY, to the position of member of the Board of Trustees for Yakima Valley Community College, District No. 16, appointed by the Governor on January 20, 1977 for the term ending April 3, 1978, succeeding Charles D. Chapelle (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules.

February 14, 1977.

JOE HAUSSLER, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on February 3, 1977 for the term ending December 31, 1978, succeeding Wilfred Woods (reported by the Committee on Parks and Recreation):

Recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Odegaard, Scott.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

February 15, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 15, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 12,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 100,  
 HOUSE BILL NO. 167, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 17.

#### MOTION

On motion of Senator Walgren, Introductions and Referrals will be made at a later time today after members have had an opportunity to check the listing of bills and referrals.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2190.

#### SECOND READING

SENATE BILL NO. 2190, by Senators Rasmussen, Henry and Benitz:

Updating certain laws pertaining to veterans and veterans' affairs.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment:

On page 3, line 2, after "shall be available" insert "to the extent such space is available as of January 1, 1977,"

Senator Francis moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend the Mardesich amendment to page 3, line 2, as follows:

On line 3 of the amendment, after "available" strike "as of January 1, 1977"

Debate ensued.

#### POINT OF INQUIRY

Senator Francis: "Would Senator Mardesich yield? Senator Mardesich, if we simply add 'to the extent such space is available' as your amendment to Senate Bill 2190, what would be the effect of such a provision, and what is your intended effect?"

Senator Mardesich: "The intended effect is to allow the state to give those free burials in such plots as are available at the time and the state not be required to make additional purchases of land under the mandatory language in the paragraph. What this would do, then, and the intent of the bill and amendment is to restrict the burials to that space which is currently available, and that there be no requirement that the state purchase additional land to allow such burials."

Senator Francis: "Mr. President, in view of that, I would think that just the language 'to the extent such space is available' period, would be sufficient to accomplish that purpose."

Further debate ensued.

The motion by Senator Francis carried and the amendment 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 Rasmussen, Engrossed Senate Bill No. 2190 was advanced to third reading, the second 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. 2190, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Newschwander, Odegaard—2.

ENGROSSED SENATE BILL NO. 2190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 10:55 a.m., the Senate members assembled to proceed to the House of Representatives for the purpose of hearing Governor Ray's Energy Message.

### JOINT SESSION

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

The Speaker requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, John Cherberg, President Pro Tempore Al Henry and Vice President Pro Tempore James Keefe to seats on the rostrum.

The Speaker invited the members of the Senate to seats within the House Chamber.

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

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

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

The President appointed Representatives Paris, Warnke and Lysen and Senators Sandison, Pullen and Rasmussen as a special committee to advise Governor Dixy Lee Ray that the Joint Session was assembled and to escort her to the bar of the House.

The President appointed Representatives Knedlik, Grier, Schmitt and Fuller and Senators Woody, Scott, Marsh and Hayner to escort the Supreme Court Justices from the State Reception Room to seats at the front of the House Chamber.

The President appointed Representatives Bauer and Becker, and Senators Wojahn and North to escort the state elected officials from the State Reception Room to seats at the front of the House Chamber.

The Sergeants at Arms of the House and the Senate announced the arrival at the bar of the House of Governor Dixy Lee Ray, and the President requested the committee to escort her to the rostrum.

The President: "Honored members of the Senate and House, ladies and gentlemen, this is a Joint Session to receive a message from Her Excellency, the Honorable Dixy Lee Ray, Governor of the State of Washington."

## GOVERNOR'S ENERGY ADDRESS

Governor Ray: "Mr. President, Mr. Speaker, honored members of the Judiciary, Senators, Representatives and my fellow citizens: The fact that a serious energy problem exists both in our nation, our state and on local levels is now obvious to everyone. The situation is far from simple. With eighty percent of our electricity hydrogenerated, our problems have been compounded by an unusually dry fall and winter. Given the extraordinary situation, we must take extraordinary measures. It is the policy of this administration to take every reasonable governmental action to insure that an adequate supply of energy is available at reasonable costs.

"The programs required to implement this policy are both short-term and long-term. Short-term programs include conservation and curtailment. Long-term programs also involve conservation, but additionally they involve improved uses of our present energy and development of new sources.

"Please note at this point the distinction I make between conservation and curtailment. Good conservation means living just as comfortably but using less energy because of higher efficiency. Insulation of homes and buildings is a prime example of a good conservation measure.

"Curtailment, on the other hand, involves some hardships or sacrifice on the part of certain sectors of our population to reduce the amount of energy used and, therefore, make our available energy supply go farther while still maintaining overall public health and safety.

"In general, conservation is preferable to curtailment, since the advantages gained by conservation are relatively long term, can create jobs, slow the growth of dependence on uncertain or unpredictable energy sources (such as weather and oil exporting countries), slow the rate of increase in energy prices, lower personal energy costs, and free up energy to be used by interruptible industrial customers.

"Curtailment is only a short term solution. Too often it results in the loss of jobs—as for example, right now in the aluminum industry—while not permanently freeing up more energy for industry, much less for economic growth. But in special circumstances, like the ones we face today, curtailment is necessary.

"With reference to the situation here in the Pacific Northwest, Secretary of the Interior Cecil D. Andrus has stressed: 'This is not another energy shortage. It is definitely a water shortage. By saving hydroelectric power, we can save water, which is vitally needed for irrigation of cropland, for orchards and vineyards which produce a significant portion of this nation's fruit, for municipal and industrial use in many cities, and for the stream flow necessary to perpetuate the anadromous fishery resource.'

"Recognizing then the precise nature and extent of our problem, what sort of executive action has been taken? As of last Friday, we issued a statement calling upon the utilities to intensify their conservation programs and to institute programs to inform their customers better of conservation measures that can be taken by all individuals, by organizations, by business, and by industry. I also asked the utilities to monitor these programs, setting specific goals, to keep a current file of progress, and to report to me. We also made a general appeal for all citizens of the state to engage in conscious, deliberate, individual efforts to conserve energy and water.

"Second, we have appointed an ad hoc executive committee on water emergency. This represents a number of departments of the executive branch, including Agriculture, Fisheries, Ecology, General Administration, and Department of Social and Health Services. We will also ask for participation from Natural Resources. The committee will meet for the first time tomorrow; it has been directed to develop an overall state program for water management and water resource development to keep an accounting of the current status of water supplies. The committee will provide for liaison with various federal entities and will provide for private citizen input.

In addition, the committee's activities will be coordinated with programs in the neighboring states of Oregon, Idaho and Montana.

"Yesterday, February 15th, I was invited by Secretary of the Interior Andrus to attend a special regional governors' meeting in Denver this coming Sunday. Governors from the west, the southwest, and the midwest have been invited to discuss various federal remedies for the current drought situation. I hope to seek all possible avenues of relief available from the federal government.

"In addition, I look forward to the cooperative program of working with my fellow governors in our region. Yesterday I issued an executive order binding on all state employees. It laid out requirements based on recommendations from the Director of the Department of General Administration which will substantially reduce energy consumption in the State Capitol buildings. This is just a first step. I have also requested that similar studies be done on all of our public state institutions of higher learning, at all office buildings owned and leased by the state government, and all government buildings throughout the State of Washington so that similar conservation measures may be proposed and put into effect in them.

"For the Capitol campus alone, the savings indicated by the procedures already set in motion will amount to about five thousand dollars a month. This represents a 5.54% savings in lighting and use of electricity, and it involves a 256,955 kilowatt-hour reduction and a 6% reduction in heating, including utilization of the mechanical and ventilating equipment.

"I expect that similar savings in both heating and electrical use can be made across the state. An example of action taken by other departments in the executive branch is that of the Department of Fisheries, which continues to study the possibility of reducing fishway flows on the Columbia and Snake Rivers. This will be undertaken in joint action with similar departments in the states of Idaho and Oregon. It will also be coordinated with federal programs. We will continue to monitor programs of fisheries activities in all of these areas so as to minimize any possible effect upon the fisheries resource, while maximizing the savings of water.

"Moreover, the Department of Social and Health Services has already initiated a study examining the communities, cities, towns and localities around the state which either suffer from some imminent shortage in their potable water supplies or face shortages in the coming spring and summer.

"Additionally, we are examining the situation with respect to lighting of our interstate highways, and may ask for reductions back to the 1973 levels. I am asking the Washington State Patrol to enforce vigorously the 55 mile per hour speed limit. We are reexamining the situation concerning use of state automobiles and the motor pool and are urging carpooling under all possible circumstances. We may reinstitute the shuttle bus program which operated for a short time during the 1973 electricity emergency.

"I have asked the Adjutant General of the Washington State National Guard to survey the availability of water tank trucks that could become available to move water supplies in the case of a crisis in drought-stricken areas. He will report to me on the cost involved, the availability of such equipment, and the nature of support the Guard may be able to provide. This is one aspect of the water shortage that so far has not received much public attention. Ground water sources in some areas are receding, shallow wells are drying up, streams are at very low levels of flow, and the water resources for many cities and towns are now imperiled. We must work with cities that face water shortages.

"A report from the Department of Social and Health Services indicates that Bremerton, Sequim, Camas, Goldendale, and Long Beach are among cities facing critical water shortages for domestic, as well as commercial, use in the approaching months. Other cities will face similar problems soon if the drought is not broken. All of these activities will be coordinated by our Department of Emergency Services.

"At the same time we will continue to appeal to all citizens throughout the state to intensify their efforts in voluntary curtailment and reduction in the use of electrical energy. I must refer once again to the fact that 80% of our electrical energy comes from water sources and, therefore, all savings of electricity will have a ripple effect in saving water. It is the drought that is the basis of our current problem.

"In addition to the actions taken by the executive branch, we recognize full well our responsibility in working with the legislative branch and the many actions that are called for, both to encourage voluntary conservation measures at present and to have the authority available for possible mandatory measures later. We have requested a number of pieces of legislation. I am asking emergency powers in order to solve some of the problems that may intensify if the drought continues. We must work together and we must be able to act quickly. Included in the emergency power bill is a request to reexamine the Energy Technical Advisory Council and perhaps make it statutory so it can be available to provide technical advice and oversights on all energy measures.

"I have also requested legislation to upgrade the state's Energy Office, which has been seriously hampered by statutory and budgetary insufficiencies resulting from selective vetoes in the past. The Energy Facility Siting Evaluation Council also needs upgrading legislation. This vital body needs to have the additional statutory clarification regarding its procedures and funding methods, and these are in the legislation I have requested.

"Legislation which may become useful or necessary—not requested at the moment, but something for us both to be thinking about—will refer to areas of the state hardest hit by the drought. The most critical area is the Yakima Valley. The situation indicates that the growers, the orchards, the farmers in that area may receive no more than about six percent of their annual amount of water. This would be catastrophic, and, in fact, would result in the death of many of the trees in that important orchard area.

"The one bright spot in an otherwise rather widely dismal picture with respect to water is the Columbia River. Because of the very wet summer of 1976 and a good snowpack farther north in the Canadian Cascades, the flow of the Columbia is nearly normal at present and therefore is providing us with a reservoir from which we may be able to draw in this emergency situation.

"Most of you are well informed about various irrigation and engineering projects developed in the past and studies of the feasibility of moving water out of the Columbia and into other regions. Now we should take a critical look at some of these plans. Consider, for example, the plan proposed for the Roza irrigation district, which services a large part of the Yakima Valley. It could be put into effect quickly. Water could be moved perhaps by making use of existing pumps at the Hanford Reservation—pumps at the reactor site not now being used. We could make use of surplus pipe from the Alyeska project, which could be acquired quickly. We could lay the pipe then from the Columbia across Union Gap, and then into the Yakima area. It might be done quickly and by June. It would remove only about one percent of the Columbia River flow, and it would get water into the Yakima Valley.

"If this were to be done it would make a tremendous difference to the growers of that region and perhaps save an enormous part of our fruit industry. If water does not come, the apple, the soft fruit trees will die, and it would take seven to ten years to put those orchards back into production. The cost will be high if that project and several others proposed were to be undertaken as emergency measures to relieve the drought. The total cost could go as high as \$50 million, but it would be insignificant compared to the enormous economic impact that could result from the loss of those food crops. The farmers in the region are willing to help pay a fair share of the cost through higher irrigation assessments, but they need our help. They will need long term loans and perhaps even some grants.

"I know the Legislature and the people of this state are not willing to turn their backs on the drought stricken area and the men and women who have spent a lifetime putting food on our tables. I urge the Legislature to consider these projects seriously. The engineering has already been done. They will make it possible to move water into the central part of our state for the next few months.

"Another proposal under discussion is the possibility of increasing water supplies in drought areas by cloud seeding. We will explore the possibility of such a program, but it should be recognized that seeding projects bring many uncertainties and not a few dangers. In the first place, making rain by cloud seeding or causing snow to fall in the higher elevations, is a little bit like making duck soup. First you must catch the duck. In the case of cloud seeding, you must first have the clouds. That has been a problem so far in the drought—no clouds. Furthermore, once you have clouds, they must be of the right kind and they must be seeded at the right time. It is not a simple process. The results of previous experiments cast doubts on the efficacies of the procedures. Under the very best circumstances the best that has been obtained by these methods under the most favorable circumstances is an increase of ten or fifteen percent over expected rainfall.

"Even so, such a drastic long shot emergency measure may be reasonable to undertake. I would caution that serious consideration also be given to the real problems of environmental impact. Whereas we may set aside our state requirements for environmental impact statements, we must ask whether we can similarly set aside the national requirements. We also must look into the very real possibility of liability and lawsuits. Even the discussion of cloud seeding has brought us warnings from Idaho and Montana that we might be subject to lawsuit.

"In another area, I note with satisfaction that H.B. 98 establishing heat loss standards for new construction in private dwellings, passed the House unanimously last Friday. I hope the Senate will give immediate attention to this bill and that it will soon become law. Further, I hope a way can be found to adopt similar statutory requirements or standards regarding insulation, lighting, and so on to cover commercial construction. This may require some legislative action that may be difficult to take, but if we succeed it will put us in conformity with requirements from the Federal Energy Administration and in line for assistance from federal sources.

"Generally speaking, I believe, as I am sure all of you do, that incentives are better than orders. Thus, I pledge to work with you in developing appropriate incentives for homeowners and for business and industry to increase their energy efficiency. Favorable tax treatment can sometimes make the difference in whether people invest in efficiency improving measures. We must be certain, however, that such measures as tax incentives, while beneficial to the state, do not seriously jeopardize our tax revenues and thus undermine the very programs they fund. I will leave that problem for you to resolve.

"Turning again to the question of hydroelectric generation, let us look at the possibilities of pumped storage. For years we have considered hydroelectric power as the never ending source of energy for our state. In doing so, we have overlooked the kind of savings that would result from pumped storage after the water has worked to generate electricity. It could be pumped back up into the higher elevation and reserved for future use, for generation of electricity, for irrigation, and, of course, for recreational use, too. We can no longer afford to ignore the possibilities of pumped storage. The drought and our growing reliance on thermal power plants make pumped storage a necessity. I urge that both private and public utilities move ahead on plans to provide the capability and as many locations as possible.

"Hindsight often provides great wisdom. We look now at the plan, once developed but turned down, of the Chelan County Public Utility District. If that plan were in operation today, the pumped storage that would have been available could

have provided peak-period electrical generation equivalent to that generated by the Grand Coulee Dam before the third powerhouse was put into operation.

"We also note with interest that investor-owned utilities have undertaken through their own initiative, a program of assisting homeowners to insulate their private dwellings and to bill them on a monthly basis so as to reduce the necessity for large capital output. I would encourage you to examine whether the Legislature might take steps to make it possible for public utility districts to do the same thing. I realize that this type of action might require a constitutional amendment, but it is a possibility well worth examining.

"In all of these actions, the Legislature must have a continuing and ongoing interest. I understand that bipartisan support exists for the creation of a special legislative oversight committee to coordinate both House and Senate activities in dealing with the current water shortage and to provide for a more constant daily interaction between the executive and the legislative branches. I would hope that you would look favorably on the creation of such a special oversight committee. We would pledge to work closely with it.

"Let us turn now to the long term problems and take a look at the future. We must work together. We are privileged to have one of our own Senators occupying a position of such importance in the Senate of the United States as Chairman of the Energy and Natural Resources Committee. We have pledged to work closely with Senator Jackson in this regard. His new position and his vast experience in the field of energy will be well utilized by this administration, and it will be extremely helpful to all the citizens of our state.

"As we look into the future, conservation is, and must be, a continuing way of life. I encourage all citizens adopting conservation measures in excess of anything we have so far done to look upon them as permanent. We want to emphasize again such measures as weather stripping, insulation, and adopting standards of efficiency in heating and lighting for all new construction. We should encourage the research that is going on with fuel-saving appliances and seek increased efficiency in all types of structures we use in our technological society, from automobiles to household appliances. We should look to state purchasing procedures and make sure we stress the importance of finding the most energy efficient equipment.

"The state's purchasing powers are great; they can have a considerable influence on the development of better energy saving pieces of equipment by providing an assured market. We would hope that through such actions and through encouragement we would soon see the emergence of many more energy efficient machines, including, we trust, even the development of a lightweight electric car that would have a high density, long lasting storage battery.

"Conservation is essential. We must practice it, but we must hope also that curtailment, such as we face right now, will be necessary only in the short term, because we need to use energy to keep our economy strong. Energy underlies all economic activities. It is energy that makes the world go 'round. Energy turns the wheels of industry as well as the wheels of transportation. Energy is required for the growing and the processing of all foods. It is required for the manufacture and distribution of all goods. It is required in all commercial, in all civic, in all domestic activities. Energy underlies the possibility of jobs, and we must face a growing economy, a growing opportunity for jobs in this state lest we ask all of our young people to move someplace else to find employment.

"We must have a strong economy. In order to maintain it, we must use our energy resources, but we must use them wisely and well. As we face the need for increasing jobs and improving the economy, we must look to the development of additional energy sources in the future.

"Energy means fuel, as well as electricity. How do we stand in this situation in Washington State today? Let us look at our fuels. First, natural gas. We are fortunate

nate. Our present situation and our outlook for the future in natural gas is good. Even though we do not have endemic sources of natural gas in this state, our natural gas companies have enough on hand and in secure storage to meet new home construction needs. There is provided a substantial summer storage capability for winter use. Our natural gas companies have firm contracts with Canadian supplies lasting until 1989.

"Because of our favorable situation with respect to natural gas, it was possible in this state—without asking citizens to lower their domestic use of natural gas and only by asking interruptible customers to shift to their alternate fuels—to provide natural gas out of storage that could be put into the pipeline and pumped east to help relieve the natural gas shortage in the eastern part of our country. Gas from this state helped to supply enough heat for about 70,000 to 80,000 homes during the worst of the cold weather last month. But favorable as our natural gas supply situation is in this state, we must not waste it.

"With regard to petroleum, we begin to look at a fuel which seems now to be embroiled not just in heat, but in emotion. While it is possible to speak rather rationally about natural gas, it is difficult to mention the word 'petroleum' without raising a considerable amount of emotion. Petroleum is the lifeblood of our economy. Our number one priority is to be assured that crude oil supplies continue to get to our refineries.

"We are fortunate in the State of Washington that since 1950 we have had refineries that have provided all citizens of our state with oil products without long transportation lines and at a reasonable and competitive cost. If we did not refine oil in our state, we would have to import all our oil products—gasoline, fuel oil, diesel, and all of the other many, many petroleum products upon which our economy is based. The transportation of refined products carries with it risks far beyond the risks of the transportation of crude oil. Moreover, the only way to bring into this state the large amounts of gasoline and refined products we would need if our refineries were not operating, would be by ship, and if there were to be an accident and a spill—remember that the spilling of refined oil would cause far more ecological damage than the spilling of crude oil. None is good, but we must look at the whole picture.

"Our number one priority must be to assure that our own state refineries continue to receive their crude oil and the refined products then reach our state residents. Most of our crude oil in recent years came by pipeline from Canada, but this supply is no longer available. Consequently, our refineries can be supplied only by ship. They have been receiving tankers since 1950. It is clear that now and in the future tanker traffic will need to increase.

"Bringing crude oil in to refineries by ship raises the question of how it can best be done. First let me say that this administration supports strongly the measures discussed recently by Senator Magnuson and Transportation Secretary Brock Adams for bringing about new rules and procedures and regulations to assure increased tanker safety. They would increase the safety measures which are built into the ships, strengthen regulations under which they operate, improve the training of the crews, improve navigation standards and the navigation aides, allow for very much better traffic controls, upgrade the Coast Guard and provide it with the resources and the appropriations for its enlarged responsibilities. If we do all of these things, it is my conviction that we can tolerate increased ship tanker traffic on our waters while minimizing the risk of accidents.

"While it is in one interest to get crude oil to our own refineries, we must also remember that Washington is not a state unto itself. Just as our citizens responded and our private companies and our government responded to sending natural gas to our states lying to the east of us, we must also seriously examine whether we have some responsibilities to the rest of the country in assisting to transship Alaskan

crude oil from the west to the midwest and the east. In assuring that our own refineries receive crude oil, in trying to do everything we can to relieve the dependence of our nation on foreign sources of oil, we should bend all our energies to getting the Alaskan crude to our refineries. We should seek to make it possible for those refineries not now capable of using Alaska crude, to do so in the future. Not only is that sensible with respect to assuring an independent oil supply; it has a secondary effect that is beneficial, inasmuch as Alaska is part of the United States. It means that the movement of oil out of Alaska into this state will be covered by the Jones Act, and that means that the oil will be in American vessels built in American shipyards, flying the American flag and operating to American standards that will make it easier to be sure we control and reduce risks to the minimum. Once oil reaches our shores the question is: How do we get it to the refineries and how do we get it to the east, if that is to be an important part of our function? A number of plans have been proposed. One which has been discussed extensively would offload oil at Port Angeles, then continue to pump it into a storage area about ten miles south, thence into a pipeline which would be constructed around the entire Puget Sound going up the eastside and finally eastward across country to the Middle West.

"While there seems to be some considerable support for an offloading facility at Port Angeles, the questions with respect to the storage area and the pipeline around Puget Sound have not been publicly discussed as yet with all the attendant questions that need to be examined concerning the environmental impact of such a pipeline. Where will be the right-of-way? What happens with all of the rivers and streams the pipeline must cross? Will it be above them or underneath? In addition, the pipeline has to be heated to an average of 40° in order to carry the thick Alaskan crude and make it flow. Where do we build the pumping stations and heating stations? What about the various watersheds, particularly the extensive watershed for the potable water for Tacoma and Pierce County, Seattle and King County, that the pipeline would have to cross?

"As we look upon these things, we must recognize that important as our technology is and as important as it is to use the very best technology available, it is never perfect. In the year 1975, 76% of all oil spills came from pipelines. So we have to think very, very seriously about where pipelines go and what the environmental impact may be.

"We should also examine the economics. Construction of such an enormous pipeline around the entire Puget Sound Basin would not only be costly, but time consuming, and time is getting short. Petroleum supplies must come from Alaska and must get to refineries. If the pipeline around Puget Sound were to supply only our own refineries, the cost would be enormous, and the cost of the refined products would probably be beyond our ability to support.

"It is worthwhile to reexamine our attitudes with respect to tanker traffic; to look soberly and objectively at what can be done with vessel traffic control systems, improved tanker construction and operation, and to recall that even though we do not accept large tankers in the inland waters of Puget Sound at the present time, Canada does. Large tankers carrying oil move up Haro Strait past the San Juan Islands into refineries north of Vancouver. It is also possible, with a good vessel traffic control system, to have one-way traffic, moving tankers loaded with oil, as they are now going to Canadian refineries, northward up Haro Strait and returning if they visit our refineries at Ferndale and Cherry Point, returning in ballast with a water cargo down withthrough Rosario Strait.

"There are many things that could be examined unemotionally and looked at as to the possibilities of the much more economical means of moving the oil directly to where the refineries are. Were that to be done, the economics, as well as the environmental impact of utilizing an existing pipeline which stretches eastward from Cherry Point, may have some real attraction. The existing pipeline has brought oil



from Canada to the Canadian and American refineries in our state. The oil has flowed from east to west. The pipeline is there, and with the simple expedient—yes, some cost is involved—of rebuilding the pumping stations with reversible pumps, the oil could flow in the opposite direction just as readily. The economics and the ease of utilizing an existing pipeline could make it possible to receive and transmit oil years earlier and at far less cost than any of the other alternatives now being discussed. It is quite possible—and discussions have been going on recently involving the Trans-Mountain Pipeline Company which owns the right-of-way and the pipeline—that some east/westward flow of Canadian oil might be continued and that we might add to the pipeline the eastward flow of Alaskan oil. Refineries use a blend of Canadian and Alaskan oil that would reduce the amount of refitting needed in the various refineries.

"It is a plan that merits careful examination.

"With respect to tanker traffic, we should also be conscious of the fact that the smaller tankers tend to be the older ones and the ones flying flags of convenience. When we consider tanker traffic, we ought to remember that a smaller number of larger vessels may, in fact, bring better traffic safety than a larger number of smaller vessels.

"Finally, we must never forget that every ship carries oil. World trade, commerce with the rest of the world, is one of the most important parts of our economic well-being. This state, through its ports, moves goods in world trade. All those ships carry oil. A modern cargo vessel carrying bulk cargo such as grain, loading at the Seattle or Tacoma facilities, carries as much oil in its fuel tanks as a 'supertanker' of twenty years ago. In 1950, the largest tankers afloat were the Navy tankers of World War II, and they carry just about as much oil as the modern cargo vessel carrying bulk cargo or container cargo.

"We must use our existing fossil fuel supplies to keep our economy strong while we look to diversifying and developing other fuels and other energy sources. What are our prospects there?

"We have coal in this state. The readily mineable coal is being used to fuel a thermal power plant in Centralia, which produces about 1,400 megawatts of electricity. Unfortunately, most of the other coal supplies are in the Cascades and very expensive to mine, but their very characteristics make them good candidates for the possibility of development of a new technology of underground coal gasification. This technology is in its very early stages of development, but it would be worthwhile for experimental development of some type to take place in some of those seams so we can see whether the underground conversion of coal to more readily usable and cleaner gas might be profitable.

"Already in this state and others, a certain percentage of electricity comes from nuclear power plants. I support the construction of nuclear power generation as another addition to our power source. The people of this state indicated their support of nuclear power in rejecting the initiative that was on the ballot last November by a vote of almost 2 to 1.

"We have had electrical power produced by the N reactor at Hanford for many years. This old workhorse pumps 850 megawatts of electricity into our system. The plants already under construction at Hanford will add another 2,000 megawatts. They have suffered a number of different kinds of delays, and I would hope very much that a recognition of the need for increased capacity for electric power would speed the construction of these plants. All due consideration must be given to the rules and regulations and the safety precautions which are in place and are insisted upon both nationally and in our state.

"With regard to the two other plants, at Satsop and Skagit, plans for which have been approved by the previous administration, I support their construction and

trust that they will move ahead on line to begin supplying us with electricity in the next decade. If these things all move ahead, we will have 7,000 additional megawatts of electricity toward the end of the decade of the 1980's. That would be a remarkable advantage we would have over many other states.

"For those who fear nuclear power plants are not reliable, let me call attention to the proof provided in the recent cold spell in the east. The city of Chicago and surrounding areas were hard hit, as hard as any other place, but there was not one single interruption of electrical power save for one day during the entire cold spell when interruptible customers were asked—interruptible only—to cut back on electricity because the last remaining coal plant had broken its conveyor belt. All the coal for the coal-fired plants had frozen and coal supplies were hard to get.

"The Commonwealth Edison Company was unable to operate most of its coal plants, but its seven nuclear power plants (Commonwealth operates more nuclear power plants than any other utility in this country) ran full tilt during the entire cold spell, generating 50% of all the electricity used throughout the Chicago region. They did it all during 1976, too. During 1976 they produced 24 1/2 billion kilowatt hours of electricity. That amounted to money savings of \$200 million to residents. Had those seven nuclear power plants been burning coal, they would have cost \$200 million more in fees. Had they been burning oil, it would have cost their ratepayers \$500 million more for that one year.

"Operating those seven nuclear power plants saved 13.7 million tons of coal and 43 million barrels of oil.

"I support nuclear power as a safe, dependable, additional source of electricity, and I trust that the plans already underway in this state will move ahead. We are fortunate also to have the Trojan plant nearby. Its additional generation of electricity will be of great assistance during this drought condition.

"Overall, in this state, we must recognize that we have to end for all time our nearly total dependence upon petrochemicals as fuels and hydropower as our major source of electricity. We must diversify not only our electrical supply resources but also all of our energy resources. We must not be misled into the simplistic thinking that we can stop using petroleum and use something else instead. No, we will gradually phase down the uses of petroleum, as we phase in other things.

"We must never again in this state, in our nation, in our society, have almost total dependence on any one energy supply. Hence, as a state, we must encourage diversification and, where appropriate, encourage the development of additional energy supplies wherever appropriate for whatever increment they can add.

"There is no way in which we can turn to geothermal energy to serve most of our needs. We should, however, develop geothermal energy in the eastern part of our state in the several different areas where hot water is available within drilling distance of the surface. The hot water is about 120° to 150° degrees in temperature—that's just right, not for making electricity, but for use by the food processing industry. We must learn to make use of windmills where appropriate. Windmills don't generate electricity very well, but they are awfully good at pumping water. I spoke earlier of pump storage, it could be done, since it doesn't have to be done on a continuing basis, but could be done intermittently and could be done by modern, well developed high technology windmills.

"In the Evergreen State we should look more to utilization of our plant materials. We have a forest products industry of high capability. Nevertheless, in our logging industry there are many pieces and bits of trees that go unutilized. We can make use of this material, not only as pellets for additional fuel, but we can examine it for conversion into liquid or gaseous fuels—wood alcohol, for example. We must consider that one organic resource which above all we waste more than any other: Human sewage, sludge. Unpleasant as the subject seems to be, it's a resource waiting to be used for conversion into methane gas or liquid fuels, and we should lend all

of the help we can to assist communities install conversion plants to utilize sludge for energy purposes.

"Moreover, important studies are going on. The Battelle Memorial Institute in Richland is looking into the possibility of growing plants for the purpose of converting them into energy. Certain microscopic plants already finely divided could be grown as feedstock into an industrial plant that could convert the material into methane gas or methanol. These studies are all in the very early stages of development, but making use of plant materials in a variety of ways to add to our fuel and energy supplies is a way of diversifying and making use of things not now being used.

"We cannot ignore the possibilities of greater use of solar energy. As a lifelong native daughter of the Puget Sound area, I have always had my doubts about solar energy on a year round basis; however, east of the Cascades we are blessed with sunshine and there we can find many ways to assist in the development of solar heating and solar cooling. We can participate in some of the experimental activities now going on to try to improve the capability of converting the sun's rays into electrical supplies.

"No one thing is going to do the entire job, but every little bit helps and that is how we must plan. In conclusion, the shortage of 1977 is clear. It is, we hope, temporary. Since most of our electricity today is generated by falling water and most of our water comes from snow, we must take extraordinary measures now because our mountains have little snow. But looking into the future the economic impact of the current drought is almost incomprehensible. We should take every measure we can, even with extraordinary engineering projects. We should try to relieve that shortage where the drought is the worst.

"If we do not do these things and if the drought continues without relief, information compiled from our state agencies indicates that by the end of December it could cost us more than \$2.5 billion in agriculture and industrial production losses. It is worth an investment to do all that is humanly within our power to relieve the drought. If we do not, more than 120,000 could lose their jobs from water-related stoppages alone.

"These are only estimates, but they are an indication of the possible impact of our present and critical situation. In the longer view we must work to improve our conservation while we improve our uses and develop new energy resources. Positive action, both short term and long term, by the executive and legislative branches of this government will be in the best interests of the people of our state and will reduce the human and financial impact of an increasingly critical situation."

The President instructed the special committee to escort Governor Ray from the House Chamber to her office.

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

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

#### MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President John Cherberg, President Pro Tempore Al Henry and Vice President Pro Tempore James Keefe, and the Senators from the House Chamber.

The President called the Senate to order at 12:15 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2064.

## SECOND READING

SENATE BILL NO. 2064, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request):

Deleting inactive committee on public employee bargaining.

## MOTION

On motion of Senator Marsh, Senator Bausch was excused.

The bill was read the second time by sections.

On motion of Senator Ridder, Senate Bill No. 2064 was advanced to third reading, the second 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. 2064, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 8; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Absent or not voting: Senators Bluechel, Bottiger, Day, Donohue, Francis, Herr, Scott, Talley—8.

Excused: Senators Bausch, Newschwander, Odegaard—3.

SENATE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2338, by Senators Walgren, Day and North:

Permitting additional cost factors to be considered when dealing with sheltered workshops.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2338 was advanced to third reading, the second 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. 2338, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 8; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Absent or not voting: Senators Bottiger, Day, Donohue, Francis, Herr, Murray, Scott, Talley—8.

Excused: Senators Bausch, Newschwander, Odegaard—3.

SENATE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2325, by Senators Wilson, Talley, Sellar, Bluechel, Walgren, McDermott, Guess, North, Rasmussen, Bailey and Fleming:

Requiring the preparation of fiscal notes on proposed legislation relating to cities, towns, counties, and other units of local government.

## REPORT OF STANDING COMMITTEE

February 3, 1977.

SENATE BILL NO. 2325, requiring the preparation of fiscal notes on proposed legislation relating to cities, towns, counties, and other units of local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, after "." insert "The office of program planning and fiscal management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note"."

On page 3, after section 5, beginning on line 4, add a section as follows:

"NEW SECTION, Sec. 6. Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature."

Renumber the remaining sections consecutively.

On page 3, line 4, after "through" and before "of" delete "5" and insert "6"

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were adopted.

Senator Wilson moved Engrossed Senate Bill No. 2325 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## MOTIONS

On motion of Senator Marsh, Senator Day was excused.

On motion of Senator Jones, Senator Murray was excused.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, before the bill is advanced, could I ask Senator Wilson a question? Senator Wilson, who is going to pay for this fiscal note process?"

Senator Wilson: "Senator Bailey, there presently exists an informal process by which fiscal notes are compiled for some bills which will impact local government. This work is being done by the office of community development which is financing a position by drawing funds from here and there. Should this bill be enacted, there would be a somewhat greater workload placed on the agency and they are asking for (a) one FTE to accommodate the workload. The FTE, which consists of an analyst and a secretary, each for six months during the year. The request for the FTE is contained in the OCD's budgetary request which is presently before the ways and means committee. Even though this bill passes, ways and means may then make a decision as to whether it should allow the FTE, or whether it should allow part of it, or whether it should deny it. In any event, this process could go into effect on passage of the bill."

The motion by Senator Wilson carried.

Engrossed Senate Bill No. 2325 was advanced to third reading and final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2325, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 6; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Gaspard, Goltz, Gould, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Absent or not voting: Senators Donohue, Francis, Grant, Guess, Herr, Talley—6.

Excused: Senators Bausch, Day, Murray, Newschwander, Odegaard—5.

ENGROSSED SENATE BILL NO. 2325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

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

On motion of Senator Walgren, the following Introductions and Referrals were made as indicated, there being no objection:

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2670, by Senators Francis, Clarke, Ridder, Bluechel and North:

AN ACT Relating to discrimination in credit transactions; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; adding a new section to chapter 49.60 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2671, by Senator Guess:

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; amending section 2, chapter 10, Laws of 1967 ex. sess. as amended by section 2, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.020; and amending section 3, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2672, by Senator Donohue:

AN ACT Relating to taxes imposed upon cigarettes and tobacco products; amending section 82.24.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.020; amending section 82.24.070, chapter 15, Laws of 1961 as last amended by section 14, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.070; amending section 82.26.020, chapter 15, Laws of 1961 as last amended by section 71, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.26.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2673, by Senator Donohue:

AN ACT Relating to revenue and taxation; repealing section 1, chapter 125, Laws of 1967 and RCW 82.56.010; repealing section 2, chapter 125, Laws of 1967 and RCW 82.56.020; repealing section 3, chapter 125, Laws of 1967 and RCW

82.56.030; repealing section 4, chapter 125, Laws of 1967 and RCW 82.56.040; repealing section 5, chapter 125, Laws of 1967 and RCW 82.56.050; and reverting any unexpended appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2674, by Senators Goltz and McDermott:

AN ACT Relating to privacy; adding a new chapter to Title 40 RCW; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2675, by Senators Francis and Clarke:

AN ACT Relating to special rights of action; amending section 1, chapter 59, Laws of 1975 1st ex. sess. and RCW 4.24.230; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2676, by Senator Goltz:

AN ACT Relating to motor vehicle licensing; and amending section 46.16.030, chapter 12, Laws of 1961 as amended by section 15, chapter 32, Laws of 1967 and RCW 46.16.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2677, by Senator Goltz:

AN ACT Relating to veterans; and amending section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620.

Referred to Committee on Higher Education.

SENATE BILL NO. 2678, by Senators Walgren, Bailey and Newschwander:

AN ACT Relating to computer tape or data file of records of registered voters; and amending section 3, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.160.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2679, by Senator Odegaard:

AN ACT Relating to state government; and making appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2680, by Senator Donohue:

AN ACT Relating to community college bonding.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2681, by Senators Donohue and Odegaard:

AN ACT Relating to the support of state government.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2682, by Senator Odegaard:

AN ACT Relating to the support of state government.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2683, by Senator Donohue:

AN ACT Relating to state government; and making appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2684, by Senator Donohue:

AN ACT Relating to tuition and fees of the state institutions of higher education.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2685, by Senators Donohue and Odegaard:

AN ACT Relating to tax relief for senior citizens.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2686, by Senator Donohue:  
AN ACT Relating to teachers retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2687, by Senator Donohue:  
AN ACT Relating to public employees retirement post-retirement.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2688, by Senator Donohue:  
AN ACT Relating to the budget and accounting act.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2689, by Senator Donohue:  
AN ACT creating a new retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2690, by Senators Donohue and Odegaard:  
AN ACT Relating to revenue and taxation; and creating new sections.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2691, by Senator Donohue:  
AN ACT Relating to pollution control taxes.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2692, by Senator Donohue:  
AN ACT Relating to revenue and taxation; and creating new sections.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2693, by Senator Donohue:  
AN ACT Relating to public employment retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2694, by Senator Donohue:  
AN ACT Relating to common school tax levies.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2695, by Senator Odegaard:  
AN ACT Relating to common school tax levies.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2696, by Senator Donohue:  
AN ACT Relating to K-12 education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2697, by Senators Donohue and Odegaard:  
AN ACT Relating to property tax limitation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2698, by Senator Odegaard:  
AN ACT Relating to the budget and accounting act.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2699, by Senator Donohue:  
AN ACT Relating to the department of retirement systems.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2700, by Senator Donohue:  
AN ACT Relating to property tax limitation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2701, by Senator Odegaard:  
AN ACT Relating to K-12 education; and making an appropriation.  
Referred to Committee on Ways and Means.



SENATE BILL NO. 2702, by Senators Donohue and Odegaard:  
AN ACT Relating to K-12 education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2703, by Senator Donohue:  
AN ACT Relating to state government; and making appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2704, by Senator Donohue:  
AN ACT Relating to community college education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2705, by Senator Donohue:  
AN ACT Relating to property tax.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2706, by Senator Odegaard:  
AN ACT Relating to property tax.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2707, by Senators Donohue and Odegaard:  
AN ACT Relating to higher education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2708, by Senator Donohue:  
AN ACT Relating to community college education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2709, by Senator Odegaard:  
AN ACT Relating to community college education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2710, by Senator Odegaard:  
AN ACT Relating to higher education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2711, by Senator Donohue:  
AN ACT Relating to higher education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2712, by Senator Donohue:  
AN ACT Relating to the law officers and fire fighters retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2713, by Senator Donohue:  
AN ACT Relating to the support of state government.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2714, by Senator Odegaard:  
AN ACT Relating to revenue and taxation; and creating new sections.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2715, by Senators Donohue and Odegaard:  
AN ACT Relating to public employees insurance and medical support; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2716, by Senator Odegaard:  
AN ACT Relating to timber taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2717, by Senators Donohue and Odegaard:  
AN ACT Relating to timber taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2718, by Senator Woody:

AN ACT Relating to banking.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2719, by Senator Woody:

AN ACT Relating to banking.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2720, by Senator Woody:

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2721, by Senator Woody:

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2722, by Senator Woody:

AN ACT Relating to escrow.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2723, by Senator Woody:

AN ACT Relating to product liability.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2724, by Senators von Reichbauer and Gaspard:

AN ACT Relating to dog control.

Referred to Committee on Agriculture.

SENATE BILL NO. 2725, by Senator Wilson:

AN ACT Relating to the purchase of real property.

Referred to Judiciary Committee.

SENATE BILL NO. 2726, by Senator Talley:

AN ACT Relating to harness racing.

Referred to Committee on Commerce.

SENATE BILL NO. 2727, by Senator Washington:

AN ACT Relating to the withdrawal of public waters for use in irrigation of agricultural lands; establishing family farm permits and other water permit classifications; and adding a new chapter to Title 90 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2728, by Senator Washington:

AN ACT Relating to environment; and to dispersion of nonpolluting industry to noncongested areas of the state.

Referred to Committee on Ecology.

SENATE BILL NO. 2729, by Senators von Reichbauer and Gaspard:

AN ACT Relating to cruelty to livestock and domestic animals; and adding a new section to Title 16 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 2730, by Senator Washington:

AN ACT Relating to ecology and the encouragement by the state of the dispersion of environmentally desirable industry throughout the state.

Referred to Committee on Ecology.

SENATE BILL NO. 2731, by Senators Ridder, Morrison and Grant:

AN ACT Relating to plumbing; amending section 1, chapter 175, Laws of 1973 1st ex. sess. as amended by section 1, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.010; amending section 2, chapter 175, Laws of 1973 1st ex. sess. as amended by section 2, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.020; amending section 3, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.030; amending section 4, chapter 175, Laws of 1973 1st ex. sess. as amended by section 3, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.040; amending section 5, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.050; amending section 6, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.060; amending section 7, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.070; amending section 9, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.090; amending section 10, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.100; amending section 15, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.150; amending section 16, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.160; and prescribing penalties.

### MOTION

On motion of Senator Van Hollebeke, Senate Bill No. 2731 was referred to the Committee on Commerce.

SENATE BILL NO. 2732, by Senators Grant and Matson:

AN ACT Relating to motor vehicle operators; amending section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 37, Laws of 1973 1st ex. sess. and RCW 46.52.130; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2733, by Senators Van Hollebeke and Grant:

AN ACT Relating to metropolitan municipal corporations; and amending section 8, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.2794.

Referred to Committee on Transportation.

SENATE BILL NO. 2734, by Senator Francis:

AN ACT Relating to the public health and welfare; amending section 7, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.300; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as last amended by section 2, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 and RCW 49.60.176; amending section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190;

amending section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of 1975 1st ex. sess. and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.224; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 2735, by Senator Gaspard:

AN ACT Relating to education; amending section 10, chapter 15, Laws of 1975 2nd ex. sess. as amended by section 10, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.137; and repealing section 3, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.02.260.

Referred to Committee on Education.

SENATE BILL NO. 2736, by Senators Bailey, Benitz and Bausch:

AN ACT Relating to revenue and taxation; and amending section 12, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.108.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2737, by Senators Bailey, Benitz and Bausch:

AN ACT Relating to revenue and taxation; and amending section 4, chapter 196, Laws of 1974 ex. sess. as amended by section 3, chapter 120, Laws of 1975 1st ex. sess. and RCW 84.70.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2738, by Senators von Reichbauer, Lewis and Gaspard:

AN ACT Relating to political campaigns; amending section 9, chapter 1, Laws of 1973 as last amended by section 3, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.090; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2739, by Senators von Reichbauer and Sellar:

AN ACT Relating to elections; and amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2740, by Senators von Reichbauer and Henry:

AN ACT Relating to the Washington state ferry system; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2741, by Senators Bluechel, Rasmussen, Jones, Goltz, Buffington, Ridder, Odegaard, North and Hayner:

AN ACT Relating to alcohol beverage control; and adding a new section to chapter 66.24 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2742, by Senators McDermott, Ridder, North and Grant:

AN ACT Relating to nursing homes; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; adding new sections to chapter 74.09 RCW; and providing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2743, by Senators McDermott, Ridder, North and Grant:

AN ACT Relating to nursing homes; amending section 7, chapter 117, Laws of 1951 as last amended by section 2, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.060; amending section 16, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.065; adding new sections to chapter 18.51 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2744, by Senators Clarke, Woody, Lewis and Hayner (by Insurance Commissioner request):

AN ACT Relating to products liability; adding a new chapter to Title 4 RCW; and repealing section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010.

Referred to Committee on Financial Institutions and Insurance.

#### MOTION

On motion of Senator Clarke, Senator Hayner was permitted as an additional sponsor to Senate Bill No. 2744.

SENATE BILL NO. 2745, by Senators Gaspard, Day and Beck:

AN ACT Relating to housing; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 2746, by Senators von Reichbauer, Beck, Sellar and Day:

AN ACT Relating to elections; amending section 29.85.270, chapter 9, Laws of 1965 as amended by section 1, chapter 162, Laws of 1975 1st ex. sess. and RCW 29.85.270; and defining crimes.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2747, by Senators Rasmussen, Donohue and Buffington:

AN ACT Relating to disposal of surplus property; amending section 1, chapter 205, Laws of 1945 as amended by section 1, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.010; amending section 2, chapter 205, Laws of 1945 as amended by section 2, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.020; amending section 4, chapter 205, Laws of 1945 as amended by section 4, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.035; amending section 5, chapter 205, Laws of 1945 as amended by section 5, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.040; and amending section 7, chapter 205, Laws of 1945 as amended by section 6, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.060.

Referred to Committee on State Government.

SENATE BILL NO. 2748, by Senator Day:

AN ACT Relating to pharmacy; amending section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003; amending section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.005; amending section 1, chapter 82, Laws of 1969 ex. sess. and RCW 18.64.009; amending section 1, chapter 38, Laws of 1963 and RCW 18.64.011; amending section 1, chapter 121, Laws of 1899 and RCW 18.64.020; amending section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047; amending section 1, chapter 9, Laws of 1972 ex. sess. and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140; amending section 10, chapter 213,

Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 and RCW 18.64.160; amending section 15, chapter 38, Laws of 1963 and RCW 18.64.165; amending section 1, chapter 28, Laws of 1939 and RCW 18.64.245; amending section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250; adding new sections to chapter 18.64 RCW; repealing section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110; and defining crimes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2749, by Senators Herr and Gould (by Secretary of State request):

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.010; amending section 8, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.080; amending section 13, chapter 234, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1973 and RCW 42.18.130; amending section 15, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.150; amending section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; amending section 17, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.170; amending section 18, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.180; amending section 19, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.190; amending section 20, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.200; amending section 22, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.220; amending section 23, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.230; amending section 24, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.240; amending section 25, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.250; amending section 28, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.280; amending section 29, chapter 234, Laws of 1969 ex. sess. as amended by section 2, chapter 137, Laws of 1973 and RCW 42.18.290; amending section 31, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.310; adding a new section to chapter 42.17 RCW; adding new sections to chapter 42.18 RCW; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2750, by Senator Day:

AN ACT Relating to administrative procedure; and amending section 8, chapter 237, Laws of 1967 and RCW 34.04.170.

Referred to Committee on State Government.

SENATE BILL NO. 2751, by Senator Day:

AN ACT Relating to prison terms and paroles.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2752, by Senator Day:

AN ACT Relating to health care services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2753, by Senator Goltz:

AN ACT Relating to health planning agency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2754, by Senator Goltz:

AN ACT Relating to group homes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2755, by Senator Goltz:

AN ACT Relating to child welfare.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2756, by Senator Goltz:  
AN ACT Relating to mental retardation.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2757, by Senator Day:  
AN ACT Relating to sentencing.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2758, by Senator Day:  
AN ACT Relating to adult corrections.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2759, by Senator Day:  
AN ACT Relating to dentistry.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2760, by Senator Day:  
AN ACT Relating to state residential schools.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2761, by Senator Day:  
AN ACT Relating to chiropractic.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2762, by Senator Wanamaker:  
AN ACT Relating to natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2763, by Senator Buffington:  
AN ACT Relating to inheritance tax.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2764, by Senator Newschwander:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2765, by Senator Scott:  
AN ACT Relating to postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2766, by Senator Buffington:  
AN ACT Relating to basic education.  
Referred to Committee on Education.

SENATE BILL NO. 2767, by Senator Newschwander:  
AN ACT Relating to natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2768, by Senator Cunningham:  
AN ACT Relating to economic impact of rules and regulations.  
Referred to Committee on State Government.

SENATE BILL NO. 2769, by Senators Ridder, von Reichbauer and Sellar:  
AN ACT Relating to contractors; and amending section 7, chapter 77, Laws of 1963 as last amended by section 5, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.070.  
Referred to Committee on Labor.

SENATE BILL NO. 2770, by Senators Wojahn, Rasmussen, Ridder, McDermott, Woody, Marsh and Bausch:  
AN ACT Relating to displaced homemakers; adding a new chapter to Title 74 RCW; and making an appropriation.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2771, by Senators Bailey, Guess and Walgren:

AN ACT Relating to contracts for construction of nuclear projects by operating agencies; adding new sections to chapter 43.52 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2772, by Senators Odegaard, Woody, Mardesich, Donohue, Morrison, Wajohn, Herr, Grant, Rasmussen, Goltz, Van Hollebeke, von Reichbauer, McDermott, Talley, Gould and Bausch:

AN ACT Relating to financial institutions; adding a new section to chapter 30.08 RCW; adding a new section to chapter 32.12 RCW; and adding a new section to chapter 33.12 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2773, by Senators Donohue, Bausch, Matson and Morrison:

AN ACT Relating to execution of tax warrants; and amending section 82.32-.220, chapter 15, Laws of 1961 as amended by section 6, chapter 304, Laws of 1961 and RCW 82.32.220.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2774, by Senators Herr and Wanamaker:

AN ACT Relating to savings and loan associations; amending section 10, chapter 107, Laws of 1969 and RCW 33.20.190; amending section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170; amending section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230; amending section 8, chapter 49, Laws of 1967 and RCW 33.24.240; amending section 27, chapter 130, Laws of 1973 and RCW 33.24.295; adding new sections to chapter 235, Laws of 1945 and to chapter 33.12 RCW; adding a new section to chapter 33.48 RCW; and repealing section 30, chapter 235, Laws of 1945 and RCW 33.12.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2775, by Senator Bausch:

AN ACT Relating to revenue and taxation; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2776, by Senators Woody, Walgren, Clarke and Bluechel:

AN ACT Relating to electronic funds transfer; and adding a new chapter to Title 30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT MEMORIAL NO. 105, by Senators Bottiger, Lewis and Bausch:

Memorializing the President and Congress on vessel traffic control on the Straits of Juan De Fuca.

Referred to Committee on Energy and Utilities.

SENATE JOINT MEMORIAL NO. 106, by Senators Bottiger, Lewis and Bausch:

Memorializing the President and Congress to make low interest loans available for energy saving building materials.

Referred to Committee on Energy and Utilities.



SENATE JOINT RESOLUTION NO. 117, by Senators Donohue and Odegaard:

Revising state tax structure.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 118, by Senator Donohue:

Revising state tax structure.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 12, by Representative Fischer:

Removing a limitation on use of school bus warning lights.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44, by Committee on Parks and Recreation (originally sponsored by Representatives Hurley (Margaret), North, Paris and Lee):

Establishing moorage fees in marine state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, by Committee on State Government (originally sponsored by Representatives Ehlers, Sommers, Nelson (Gary) and North):

Expanding the cemetery board and providing for its abolition in 1979.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 100, by Committee on Insurance (originally sponsored by Representatives North and Smith):

Requiring under certain conditions, reimbursement for cost of a loaner vehicle when owner's is destroyed.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 167, by Representative Eng:

Changing the time for filing and penalty of bank and trust company reports.

Referred to Committee on Financial Institutions and Insurance.

There being no objection, additional sponsors were permitted on Senate Bills 2670, 2741, 2742, 2743, 2746, 2770, 2772, 2773, 2776.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Concurrent Resolution No. 110.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 110, by Senators Walgren, Matson, Bailey, Clarke, Mardesich, Sandison and Newschwander:

Inviting the Western Conference of the Council of State Governments to hold its 1978 meeting in Washington.

On motion of Senator Walgren, Senate Concurrent Resolution No. 110 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Senate Concurrent Resolution No. 110 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

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

## MESSAGE FROM THE GOVERNOR

February 16, 1977.

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

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

Malachy Scanlan, appointed February 3, 1977, for a term ending February 3, 1981 succeeding Kenneth Kennedy as a member of the Public Disclosure Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Constitution and Elections.

## MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, February 17, 1977.

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

## THIRTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 17, 1977.

The Senate was called to order at 11:00 a.m., by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Buffington, Fleming, Francis, Goltz, McDermott, von Reichbauer and Woody. On motion of Senator Jones, Senator Buffington was excused. On motion of Senator Odegaard, Senators Fleming, Francis, Goltz, McDermott and von Reichbauer were excused.

The Color Guard, consisting of Pages Kelly Bausch and Kathleen Washburn, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"LORD, IN DAYS PAST WHEN WE HAD LITTLE, AND DIDN'T KNOW PLENTY, IT WASN'T DIFFICULT TO LIVE WITH WHAT WE HAD: BUT NOW THAT WE HAVE HAD PLENTY, IT IS HARD TO LEARN TO LIVE WITH LESS. WE FORGET THE FIFTY-FIVE MILE PER HOUR LIMIT AND SPEED ON THE ROADS OF THIS STATE: WE LET THE TEMPERATURE GAUGE AT HOME RISE TO A COMFORTABLE SEVENTY-TWO DEGREES: WE THROW AWAY WHAT MIGHT WELL BE RECYCLED. AID US IN THESE TRANSITION YEARS TO MORE EFFICIENT USE OF ALL YOU HAVE GIVEN. INFUSE IN THE CITIZENS OF WASHINGTON A DEEPER AND LASTING CONCERN FOR ALL THAT YOU HAVE PLACED IN OUR HANDS FOR SAFEKEEPING. CAUSE US TO USE WITH GREAT WISDOM THE MANY GIFTS OF NATURE WITH WHICH THIS STATE HAS BEEN BLESSED. 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 16, 1977.

SENATE BILL NO. 2063, requiring fiscal impact statements on proposed legislation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2063 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bailey, Fleming, Jones, Marsh, Morrison, Murray, Rasmussen, Scott, Walgren, Washington.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2114, permitting longer concessions and leases in state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Scott.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2183, increasing court transcript filing fee (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2200, creating a resource management land bank (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Wanamaker.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2228, revising the penalty for a winter recreational parking violation (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Scott.

Passed to Committee on Rules for second reading.

President Cherberg assumed the Chair.

### REPORTS OF STANDING COMMITTEES

February 16, 1977.

SENATE BILL No. 2241, permitting use of Laetrite (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Francis, Herr, Pullen, Ridder, Van Hollebeke, Wojahn.

MINORITY recommendation: Do not pass.

Signed by: Senators Goltz, Vice Chairman; Buffington, Cunningham, Gould, McDermott, North.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2286, revising law relating to regulation of the funeral business (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Francis, Gould, Herr, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2300, modifying the collection of jury costs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

SENATE BILL NO. 2301, increasing witness fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2302, modifying the fee for a writ of garnishment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2382, authorizing senior citizen passports for admission to and use of state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Substitute Senate Bill No. 2382 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Scott.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2401, making changes in the senior citizens services act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2426, regulating the disclosure of the records of the department of employment security (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Peterson, Sellar, Bailey.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2447, increasing the maximum allowable assessment for tree fruit (reported by Committee on Agriculture):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2463, removing the state auditor from membership on the state retirement board (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Senators Cherberg, Chairman; Bailey, Beck, Clarke, Fleming, Guess, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Talley, Walgren.

### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask some member of the rules committee a question. Is Senator Bailey present? Senator Bailey, what is the reason for the rules committee recommending that Senate Bill 2463 be sent to the ways and means committee?"

Senator Bailey: "Well, Senator Rasmussen, what does that Senate bill do?"

Senator Rasmussen: "Will the secretary reread the title?"

Secretary: "Removing the state auditor from membership in the State Retirement Board."

Senator Bailey: "Mr. President, answering Senator Rasmussen, it was not my motion. I think it was Senator Mardesich's, but this bill is almost the same as a bill we had on the Senate floor that was almost raped on the Senate floor, and we sent it back to ways and means for consideration when we wrote the overall corrections to the PERS system. It is almost identical with the bill we sent back to ways and means and there is no need to pass an identical bill here and have the original bill in ways and means. It was going to have the same treatment, I am afraid, that it started to get the last time."

Senator Rasmussen: "Mr. President, with that explanation, Senator Bailey, I think that the rules committee acted, well, without the proper information. This bill is concerned with removing only the state auditor from the state pension system, and the information that we received in the committee is that PERISA, a federal act, is going to require the removal of the state auditor. In place of the state auditor it is indicated there would be a conflict of interest with the state auditor auditing the pension system, then sitting on the board. So, the only change is not a cost item. It has no reason to go to ways and means. It substitutes the state auditor with the Lieutenant Governor, who is a very capable person, will serve on the board very well, and our practice of shifting bills up to the ways and means committee was to scrutinize them for cost items as far as the state is concerned. There is no cost in this bill.

"I might point out further that the ways and means committee does have one bill up there which had to do with providing for designees of those members, the state treasurer and the attorney general and the auditor, who could not attend the meetings. This is an entirely different bill. It only removes the state auditor as required by federal law, and I would urge the body to keep the bill before them rather than refer it to ways and means so that they can act on it in proper fashion."

Senator Bailey: "Mr. President, I think the bill has already been referred."

President Cherberg: "Not as yet, Senator Bailey."

Senator Bailey: "At any rate, Senator Rasmussen, I am with you as far as this bill and the other one goes, but I see no harm in referring this to ways and means because it is just merely a change we will have to make. It is not controversial, but why not make it in the overall changes that the PERS system is seeking to update and correct some of the bad features of their own system. I think it can be done just as well in one bill as to trickle through five or six bills and change a word in each bill. It would be better to have it all in one bill and make that one correction at the same time."

Senator Rasmussen: "Mr. President and members of the Senate, I am still objecting, and I don't know whether it is going to do any good against the weight of the rules committee, but I am still objecting to sending an inconsequential bill to the ways and means. I am a member of the ways and means committee, along with our very able chairman, Senator Donohue. That committee is at present overloaded with

work. Why send a bill that we are going to have to pass anyway up to the ways and means committee? I am protesting, and I urge that it come to a vote of the body."

Senate Bill No. 2463 was referred to the Committee on Ways and Means on a rising vote.

### REPORTS OF STANDING COMMITTEES

February 17, 1977.

SENATE BILL NO. 2620, relating to emergency use of water (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2620 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 17, 1977.

SENATE BILL NO. 2632, relating to water distribution projects (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2632 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 172, RCW correction—Repeals RCW sections to correct education code (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 173, RCW correction—Corrects double amendment to RCW 41.05.020 and 41.06.110 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 174, RCW correction—Corrects double amendment to RCW 43.17.010 and 43.17.020 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 175, RCW correction—Corrects double amendment to RCW 46.16.210 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 176, RCW correction—Corrects double amendment to RCW 67.08.003 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 177, RCW correction—Corrects double amendment to RCW 70.95.040 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

HOUSE BILL NO. 178, RCW correction—Corrects double amendment to RCW 82.04.291 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 16, 1977.

ENGROSSED HOUSE JOINT MEMORIAL NO. 1, requesting the federal government to give the state more administrative freedom under the federal insecticide, fungicide, and rodenticide act (reported by Committee on Agriculture):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 16, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 242,

ENGROSSED HOUSE BILL NO. 390, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, Introductions and Referrals will be made at a later time today after members have had an opportunity to check the listing of bills and referrals.

#### SECOND READING

SENATE BILL NO. 2175, by Senator Rasmussen:

Allowing beer and wine to be served in containers other than glasses or bottles.

The Senate resumed consideration of Senate Bill No. 2175 as amended on February 10, 1977.

Senator Day explained two amendments that were read by the Secretary. Senator Day did not move adoption of the amendments but moved that Senate Bill No. 2175, as amended, be held for consideration on February 21, 1977.

Debate ensued.

The motion by Senator Day carried. Senate Bill No. 2175, as amended, was ordered to hold its place on the second reading calendar for February 21, 1977.



## SECOND READING

SENATE BILL NO. 2159, by Senators Woody, Clarke, Day, Sellar and Hayner:

Permitting a counterclaim for malicious prosecution in the principal action.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2159 was ordered to hold its place on the second reading calendar for February 18, 1977.

## SECOND READING

SENATE BILL NO. 2385, by Senators Henry, Beck and Clarke (by Department of Highways request):

Modifying the design procedure for limited access highways.

## REPORT OF STANDING COMMITTEE

February 8, 1977.

SENATE BILL NO. 2385, modifying the design procedure for limited access highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, after "require" and before "additional" strike "an"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Beck, Engrossed Senate Bill No. 2385 was advanced to third reading, the second 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. 2385, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senator Gould—1.

Excused: Senators Buffington, Fleming, Francis, McDermott, von Reichbauer, Woody—6.

ENGROSSED SENATE BILL NO. 2385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Jones, Senator Gould was excused.

## SECOND READING

SENATE BILL NO. 2058, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Prohibiting drivers schools from using DMV test routes.

## REPORT OF STANDING COMMITTEE

January 28, 1977.

SENATE BILL NO. 2058, prohibiting drivers schools from using DMV test routes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On line 11, after "motor" strike "operators' vehicle" and insert "vehicle operators'"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Beck, Engrossed Senate Bill No. 2058 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 Beck yield to a question? Senator Beck, can you tell the Senate where these test tracks are laid out? Are they in most instances on city streets?"

Senator Beck: "In almost every case, in fact, I feel safe in saying in all cases. Somewhere around all of the state department of motor vehicles testing offices when a person goes in and applies for a license, they go out and take a ride in the car and they have a certain course that they travel on. There are some driving—these are all on city streets or county roads, publicly owned highways. These driving schools, a lot of them, have adopted a policy of starting right in at the state department of motor vehicles offices and driving right through the very same course that the operators. What they are teaching them to do is to pass a state drivers examination test, not teaching them how to drive an automobile. They do that so much that it has cluttered up the driving course and the pupil is not being taught how to drive a vehicle. They are being taught how to pass a driver's license test."

Senator Rasmussen: "A further question, Senator Beck. You did say that most of these test routes are on the state, county or city streets."

Senator Beck: "Yes. For motorcycles, they take them out in parking lots when they give a motorcycle operator an examination, but for vehicles, in all cases that I know of, it is on a city street or county road."

Senator Rasmussen: "Thank you."

Debate ensued.

## POINT OF INQUIRY

Senator Van Hollebeke: "Senator Rasmussen, if I am reading this correctly, this is existing law and the only thing we are changing is state patrol to the department of motor vehicles. It is a 1961 statute. Is that correct, Senator Beck?"

Senator Beck: "Yes, this is a bill that has been on the statutes ever since the state patrol used to examine you for driver's license examination."

## POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Beck yield? Senator, there is nothing in the law now that prevents other persons, penalizes them in any way for doing this. The present statute only penalizes motor vehicle training, or drivers training schools. Is that true?"

Senator Beck: "That is correct. It is the policy of the department that if a pupil wants to go to one of these driving schools to learn how to drive, they should be taught how to drive, not how to go out and follow along on a course and pass a driver's test examination."

Senator Van Hollebeke: "Well, my point was that we don't disallow anybody else, but we do disallow those attending schools."

Senator Beck: "Any one that wants to can go out and drive through the course and go through the exact motions, but this gives the director of the department of motor vehicles the authority to lift the license of anyone who goes out and just teaches a child how to drive an automobile or to pass a driver's test."

Further debate ensued.

## MOTION

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2058 was ordered held on the third reading calendar for February 18, 1977.

## SECOND READING

SENATE BILL NO. 2180, by Senators Bottiger and Benitz (by Utilities and Transportation Commission request):

Increasing the maximum limit for revenue of small water companies not subject to regulation.

The bill was read the second time by sections.

On motion of Senator Bottiger, Senate Bill No. 2180 was advanced to third reading, the second 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. 2180, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Excused: Senators Buffington, Fleming, Francis, Gould, McDermott, von Reichbauer, Woody—7.

SENATE BILL NO. 2180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2230, by Senators Marsh, Talley and Henry:

Authorizing cities, counties, and/or public transportation agencies of contiguous states to enter into agreements for operation of bus services.

The bill was read the second time by sections.

On motion of Senator Henry, Senate Bill No. 2230 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 Marsh yield to a question? Senator Marsh, most communities are subsidizing their bus services by a monthly charge, and would this make it compulsory on the community to subsidize the bus service of Portland in order to get service there in Vancouver?"

Senator Marsh: "No, it would not make it compulsory, but it would permit the city of Vancouver to compensate Tri-Met Bus Service of Portland for servicing Vancouver patrons."

Senator Rasmussen: "They would subsidize the bus system, then?"

Senator Marsh: "They would, or they could."

Senator Rasmussen: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2230, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Excused: Senators Buffington, Fleming, Francis, Gould, McDermott, von Reichbauer, Woody—7.

SENATE BILL NO. 2230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2215, by Senators Francis, Woody and Clarke:  
Revising probate laws.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2215 was ordered to hold its place on the second reading calendar for February 18, 1977.

#### SECOND READING

SENATE BILL NO. 2341, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Allowing the director of game to determine the time and place of the drawing in special hunting seasons.

The bill was read the second time by sections.

On motion of Senator Peterson, Senate Bill No. 2341 was advanced to third reading, the second 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. 2341, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn.—42.

Excused: Senators Buffington, Fleming, Francis, Gould, McDermott, von Reichbauer, Woody—7.

SENATE BILL NO. 2341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2342, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Prohibiting the acquisition or possession of a hunting or fishing license using false information or after revocation.

## MOTION

On motion of Senator Peterson, Senate Bill No. 2342 was ordered to hold its place on the second reading calendar for February 21, 1977.

## SECOND READING

SENATE BILL NO. 2085, by Senators Washington, Guess and Goltz:  
Designating regional universities.

## REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2085, designating regional universities (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 25, after "at Cheney." insert "While these institutions are a part of a total state program of higher education, their primary purpose as regional universities shall be the provision of undergraduate instruction and graduate education through the master's degree, and not including the doctoral degree."

On page 29, line 35, after "Washington" strike "State ((College))" and insert "((State College))".

On page 29, line 36, after "Washington" strike "State ((College))" and insert "((State College))".

On page 30, line 1, after "Washington" strike "State ((College))" and insert "((State College))".

On page 37, line 33, after "Washington" and before "University" on line 34 strike "State ((College))" insert "((State College))".

On page 37, line 34, after "Washington" strike "State ((College))" and insert "((State College))".

On page 37, line 35, after "Washington" strike "State ((College))" and insert "((State College))".

Beginning on page 46, strike all of section 73.

Beginning on page 46, line 33, insert a new section as follows:

"NEW SECTION. Sec. 73. Section 28B.40.225 RCW, section 2, chapter 196, Laws of 1969 ex. sess. and RCW 28B.40.225 are hereby repealed."

On page 4, line 15 of the title, after "87.25.050;" insert "repealing section 2, chapter 196, Laws of 1969 ex. sess. and RCW 28B.40.225;"

On page 4, line 15 of the title, after "28B.10 RCW" insert a period and strike the balance of the title.

Signed by: Senators Benitz, Goltz, Guess, Odegaard, Scott.

The bill was read the second time by sections.

Senator Sandison moved adoption of the committee amendment to page 4, line 25.

Senator Goltz moved adoption of the following amendment to the committee amendment:

On page 4, line 25, after "at Cheney." strike the committee amendment and insert:

"While regional universities are a part of a total state program of higher education, their primary purpose shall be the provision of undergraduate instruction and graduate education through the master's degree, and not including the doctoral degree. Their educational programs and services shall be oriented primarily to the residents of the region of the state in which the institution is located.

No college shall be eligible for designation as a regional university until it has been in operation for at least twenty years and has been authorized to offer master's degree programs in more than three fields."

#### POINT OF INQUIRY

Senator Gould: "Would Senator Goltz yield to a question? In application of this amendment, does that exclude any of the three now Washington colleges—with the exclusion of Evergreen?"

Senator Goltz: "No, it does not exclude any of the three older state colleges. It only applies really to the other state college?"

Senator Gould: "Thank you."

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

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

#### POINT OF INQUIRY

Senator Mardesich: "Subject to the will of the Senate since I speak out of order, I wonder if Senator Goltz would yield to a question? I note that in the amendment to the amendment that the second sentence says, speaking of regional universities, 'Their educational programs and services shall be oriented primarily to the residents of the region of the state in which the institution is located,' and although I believe under this bill the University of Washington or WSU would not be a regional university. I may be wrong. Wouldn't this, if they were, under the definition 'regional university,' preclude the teaching of the restaurant management course at WSU if someone were to challenge it?"

Senator Goltz: "I believe, in answer to that question, Senator Mardesich, that the word 'primarily' as it was explained in the Senate higher education committee, would not preclude a special course being offered, for example, at Western Washington State College, or Western Washington University, they offer courses in marine science because of its location near the marine waters. Therefore, when we talk about primary service areas, we are not excluding the possibility of special programs in each of the regional universities."

On motion of Senator Sandison, the remaining committee amendments were adopted.

On motion of Senator Goltz, the following amendments were adopted:

On page 30, after line 2, insert a new section as follows:

"Sec. 51. Section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40-.205 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington ((State College)) University, Eastern Washington ((State College)) University, and Western Washington ((State College)) University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section which has no fiscal impact shall be subject to the review and recommendation of the council for postsecondary education: PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council for postsecondary education and approval of the legislature."

Renumber the remaining sections consecutively.

On page 47, after line 11, insert a new section as follows:

"NEW SECTION. Sec. 74. There is added to chapter 28B.10 RCW a new section to read as follows:

It is the intent of the legislature that after the effective date of the 1977 amendatory act, where the names "Western Washington State College", "Central Washington State College", or "Eastern Washington State College" are used in any bill enacted by the legislature or found within the Revised Code of Washington, they shall mean "Western Washington University", "Central Washington University", and "Eastern Washington University", respectively."

On motion of Senator Sandison, the committee amendments to the title were adopted.

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

In the title, page 3, line 19, after ".200;" and before "amending" insert "amending section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40.205;"

In the title, page 4, strike all of line 15 and insert "87.25.050; adding new sections to chapter 28B.10 RCW;"

#### MOTION

On motion of Senator Rasmussen, Senate Bill No. 2085, as amended, was ordered to hold its place on the second reading calendar for February 18, 1977.

#### MOTION

On motion of Senator Walgren, the following Introductions and Referrals were made as indicated on the short title sheet with the following exceptions: Senate Bill No. 2822, referred to Committee on Financial Institutions and Insurance; Senate Bill No. 2827, referred to Judiciary Committee; Senate Bill No. 2850 and Senate Bill No. 2851 referred to Committee on Ways and Means; Senate Bill No. 2866, referred to Committee on Higher Education:

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2777, by Senator Goltz:  
AN ACT Relating to Institutions.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2778, by Senator Goltz:  
AN ACT Relating to hospitals.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2779, by Senator Goltz:  
AN ACT Relating to Board of Health.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2780, by Senator Goltz:  
AN ACT Relating to aged persons.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2781, by Senator Day:  
AN ACT Relating to medical practitioners.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2782, by Senator Goltz:  
AN ACT Relating to health care.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2783, by Senator Day:  
AN ACT Relating to Indians.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2784, by Senator Day:  
AN ACT Relating to prisoners.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2785, by Senator Day:  
AN ACT Relating to community services.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2786, by Senator Goltz:  
AN ACT Relating to corrections.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2787, by Senator Goltz:  
AN ACT Relating to nursing homes.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2788, by Senator Day:  
AN ACT Relating to public assistance.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2789, by Senator Gould:  
AN ACT Relating to basic education.  
Referred to Committee on Education.

SENATE BILL NO. 2790, by Senator Donohue:  
AN ACT Relating to treasury accounts.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2791, by Senator Donohue:  
AN ACT Relating to treasury accounts.  
Referred to Committee on Ways and Means.



SENATE BILL NO. 2792, by Senator Day:  
AN ACT Relating to healing arts.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2793, by Senator Donohue:  
AN ACT Relating to taxation and fees on mobile homes.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2794, by Senator Ridder:  
AN ACT Relating to industrial insurance; and adding a new section to Title 51  
RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2795, by Senator Ridder:  
AN ACT Relating to unemployment compensation; and adding a new section  
to Title 50 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2796, by Senator Ridder:  
AN ACT Relating to public employee collective bargaining.  
Referred to Committee on Labor.

SENATE BILL NO. 2797, by Senator Ridder:  
AN ACT Relating to the regulation of the construction, maintenance, alter-  
ation and repair of elevators; and adding sections to chapter 70.87 RCW.  
Referred to Committee on Labor.

SENATE BILL NO. 2798, by Senator Day:  
AN ACT Relating to nursing.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2799, by Senator Day:  
AN ACT Relating to health care.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2800, by Senators Donohue and Sandison:  
AN ACT Relating to tuition and fees of state institutions of higher education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2801, by Senator Day:  
AN ACT Relating to medical laboratories.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2802, by Senator Day:  
AN ACT Relating to hospital districts.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2803, by Senator Day:  
AN ACT Relating to senior citizens.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2804, by Senator Goltz:  
AN ACT Relating to handicapped.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2805, by Senator Goltz:  
AN ACT Relating to Juvenile Diversion.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2806, by Senator Walgren:  
AN ACT Relating to public records.  
Referred to Judiciary Committee.

SENATE BILL NO. 2807, by Senator Day:  
AN ACT Relating to mental health.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2808, by Senator Day:  
AN ACT Relating to foster care.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2809, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2810, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2811, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2812, by Senator Walgren:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2813, by Senator Gaspard:  
AN ACT Relating to pesticides.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2814, by Senator Walgren:  
AN ACT Relating to gas and electric companies.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2815, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2816, by Senator Goltz:  
AN ACT Relating to probation.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2817, by Senator Day:  
AN ACT Relating to nursing homes.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2818, by Senator Walgren:  
AN ACT Relating to public service companies.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2819, by Senator Walgren:  
AN ACT Relating to public service companies.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2820, by Senator Walgren:  
AN ACT Relating to gas and electric companies.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2821, by Senator Walgren:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2822, by Senators Morrison, Sellar, North, Bluechel and Lewis:

AN ACT Relating to motor vehicles; amending section 1, chapter ... (HB 175), Laws of 1977 and RCW 46.16.210; adding a new section to chapter 46.20 RCW; creating a new section; defining crimes; prescribing penalties; and declaring an emergency.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2822 was referred to the Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2823, by Senators Morrison and Benitz:

AN ACT Relating to revenue and taxation; amending section 1, chapter ... (HB 178), Laws of 1977 and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2824, by Senators McDermott, Gould, Gaspard and Grant (by State Board of Education request):

AN ACT Relating to student transfers within the common schools; and amending section 1, chapter 66, Laws of 1975 1st ex. sess. and RCW 28A.58.242.

Referred to Committee on Education.

SENATE BILL NO. 2825, by Senator Day:

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 62, Laws of 1975 1st ex. sess. and RCW 82.38.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2826, by Senator Morrison:

AN ACT Relating to revenue and taxation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2827, by Senator Bausch:

AN ACT Relating to costs and fees in state proceedings; adding a new section to chapter 4.84 RCW; adding a new section to chapter 34.04 RCW; adding a new section to chapter 10.01 RCW; and repealing section 384, page 203, Laws of 1854, section 526, page 110, Laws of 1877, section 522, Code of 1881, section 1, chapter 62, Laws of 1959, section 22, chapter 81, Laws of 1971 and RCW 4.84.170.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2827 was referred to the Judiciary Committee.

SENATE BILL NO. 2828, by Senator Bausch:

AN ACT Relating to aeronautics; and adding new sections to Title 14 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2829, by Senator Grant:

AN ACT Relating to revenue and taxation; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2830, by Senators Bausch and Bailey:

AN ACT Relating to revenue and taxation; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.140; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2831, by Senators McDermott, Gould, Gaspard, Murray and Grant (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 7, chapter 127, Laws of 1893 as last amended by section 1, chapter 11, Laws of 1967 and RCW 4.28.080; amending section 12, chapter 15, Laws of 1970 ex. sess. as amended by section 45, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.070; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2832, by Senators McDermott, Gould, Gaspard, Fleming, Murray, Grant and Wojahn (by Superintendent of Public Instruction request):

AN ACT Relating to public school personnel in-service training; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2833, by Senators Bailey and Odegaard:

AN ACT Relating to public recreation, sports, culture and convention facilities; amending section 1, chapter 236, Laws of 1967 and RCW 67.28.080; amending section 11, chapter 236, Laws of 1967 as last amended by section 1, chapter 225, Laws of 1975 1st ex. sess. and RCW 67.28.180; amending section 13, chapter 236, Laws of 1967 as amended by section 2, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.200; amending section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210; and adding a new chapter to Title 36 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2834, by Senators Bailey, Woody and Wilson:

AN ACT Relating to emergency medical service districts; amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020; and adding a new chapter to Title 36 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2835, by Senators Rasmussen and Woody:

AN ACT Relating to insurance; prohibiting unfair practices by insurance companies; prescribing penalties; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2836, by Senator Rasmussen:

AN ACT Relating to property taxes; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; and 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.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2837, by Senators Ridder, Grant, Fleming, Herr, Francis and Murray (by Superintendent of Public Instruction request):

AN ACT Relating to education; providing for bilingual instruction in the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; and making effective dates.

Referred to Committee on Education.

SENATE BILL NO. 2838, by Senators von Reichbauer, Gaspard, Pullen, Marsh and Rasmussen:

AN ACT Relating to state government; adding new sections to chapter 43.19 RCW; making an appropriation; and designating an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2839, by Senators Marsh, Henry and Talley:

AN ACT Relating to property taxation; exempting the property of certain nonprofit corporations and associations from taxation; adding new sections to chapter 84.36 RCW; prescribing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2840, by Senators Marsh, Donohue, Scott, Buffington, Henry, Wojahn, Day, Bottiger, Gaspard, Jones and Odegaard:

AN ACT Relating to real property tax exemptions; and amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Marsh, Senator Odegaard was permitted as an additional sponsor on Senate Bill No. 2840.

SENATE BILL NO. 2841, by Senators Ridder, Francis and Grant:

AN ACT Relating to the industrial welfare committee; and amending section 43.22.280, chapter 8, Laws of 1965 as last amended by section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280.

Referred to Committee on Labor.

SENATE BILL NO. 2842, by Senator Rasmussen:

AN ACT Relating to sale of property after foreclosure for delinquent taxes; and amending section 84.64.270, chapter 15, Laws of 1961 as amended by section 5, chapter 23, Laws of 1965 ex. sess. and RCW 84.64.270.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2843, by Senator Day:

AN ACT Relating to social and health services; amending section 2, chapter 75, Laws of 1965 and RCW 71.16.020; amending section 3, chapter 75, Laws of 1965 and RCW 71.16.030; amending section 4, chapter 75, Laws of 1965 and RCW 71.16.040; amending section 1, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.010; amending section 2, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.015, to be recodified as part of chapter 71.16 RCW; amending section 2, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.020; amending section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040; amending section 5, chapter 110, Laws of 1967 ex. sess. as amended by section 4, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.050; amending section 6, chapter 110, Laws of 1967 ex. sess. as amended by section 5, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.060; amending section 7, chapter 110, Laws of 1967 ex. sess. as amended by section 6, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.070; amending section 1, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.075; amending section 8, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.080; amending section 9, chapter 110, Laws of 1967 ex. sess. as amended by section 7, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.090; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 8, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.110; creating new sections; adding a new section to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A

RCW; adding a new section to chapter 71.16 RCW; and repealing section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2844, by Senators Woody and Van Hollebeke:

AN ACT Relating to accountants; and amending section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290.

Referred to Committee on Commerce.

SENATE BILL NO. 2845, by Senators Goltz and Sandison:

AN ACT Relating to human remains; amending section 11, chapter 108, Laws of 1937 and RCW 18.39.180; adding a new section to chapter 18.39 RCW; adding a new section to chapter 68.08 RCW; and prescribing a penalty.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2846, by Senators Ridder, Bluechel, Wojahn, Fleming, Grant, Van Hollebeke, Gould and Keefe:

AN ACT Relating to women in transition; creating new sections; making an appropriation; declaring an emergency; and providing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2847, by Senators McDermott, Murray and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; creating new sections; 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. 2848, by Senators Donohue, Mardesich and Murray:

AN ACT Relating to pollution control tax credits and exemptions; amending section 1, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.010; repealing section 8, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.080; and prescribing effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2849, by Senators Ridder, Francis and Woody:

AN ACT Relating to juveniles; amending section 3, chapter 302, Laws of 1961 and RCW 13.04.056; and amending section 5, chapter 160, Laws of 1913 and RCW 13.04.060.

Referred to Judiciary Committee.

SENATE BILL NO. 2850, by Senators Walgren, Henry, Matson and Buffington:

AN ACT Relating to public employment; amending section 1, chapter ... (HB 173), Laws of 1977 and RCW 41.05.020; and amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.050.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2850 was referred to the Committee on Ways and Means.

SENATE BILL NO. 2851, by Senators Walgren, Bailey and Donohue:

AN ACT Relating to state employees' insurance and health care; amending section 4, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.040; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.050; amending section 7, chapter 39, Laws of 1970 ex. sess. as amended by section 5, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.070; amending section 8, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.080; adding new sections to chapter 41.05 RCW; repealing section 2,

chapter 39, Laws of 1970 ex. sess., section 1, chapter 147, Laws of 1973 1st ex. sess., section 85, chapter 34, Laws of 1975-'76 2nd ex. sess., section 3, chapter 106, Laws of 1975-'76 2nd ex. sess., section 1, chapter ... (HB 173), Laws of 1977 and RCW 41.05.020; and prescribing effective dates.

### MOTION

On motion of Senator Walgren, Senate Bill No. 2851 was referred to Committee on Ways and Means.

SENATE BILL NO. 2852, by Senators Bausch, Gaspard and Bottiger (by Board of Prison Terms and Paroles request):

AN ACT Relating to the board of prison terms and paroles; amending section 4, chapter 133, Laws of 1955 and RCW 9.95.030; repealing section 1, chapter 158, Laws of 1929 and RCW 9.95.031; and repealing section 2, chapter 158, Laws of 1929 and RCW 9.95.032.

Referred to Judiciary Committee.

SENATE BILL NO. 2853, by Senator McDermott:

AN ACT Relating to the duties of county auditors; amending section 1, page 26, Laws of 1865 as last amended by section 1, chapter 98, Laws of 1967 and RCW 65.04.030; amending section 1, chapter 125, Laws of 1919 as last amended by section 2, chapter 98, Laws of 1967 and RCW 65.04.040; and amending section 2732, Code of 1881 and RCW 65.04.090.

Referred to Committee on Local Government.

SENATE BILL NO. 2854, by Senators North and Goltz:

AN ACT Relating to water rights; and adding new sections to chapter 90.54 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 2855, by Senators Gould and McDermott:

AN ACT Relating to education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2856, by Senators Bausch, Gaspard, Bottiger and Woody (by Executive Request of Governor Ray):

AN ACT Relating to the board of prison terms and paroles; amending section 9, chapter 340, Laws of 1955 as last amended by section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003; and amending section 3, chapter 32, Laws of 1959 as amended by section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.007.

Referred to Judiciary Committee.

SENATE BILL NO. 2857, by Senators von Reichbauer, Day and Buffington:

AN ACT Relating to militia officers; and amending section 21, chapter 130, Laws of 1943 as last amended by section 1, chapter 100, Laws of 1965 ex. sess. and RCW 38.12.030.

Referred to Committee on State Government.

SENATE BILL NO. 2858, by Senators Woody, Fleming and Buffington:

AN ACT Relating to the board of prison terms and paroles; amending section 4, chapter 133, Laws of 1955 and RCW 9.95.030; repealing section 1, chapter 158, Laws of 1929 and RCW 9.95.031; and repealing section 2, chapter 158, Laws of 1929 and RCW 9.95.032.

Referred to Committee on Ecology.

SENATE BILL NO. 2859, by Senators Goltz, Benitz and Newschwander:

AN ACT Relating to public employment; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 24, Laws of 1975-'76 2nd ex. sess. and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 2860, by Senator Grant:

AN ACT Relating to elections; amending section 29.01.120, chapter 9, Laws of 1965 and RCW 29.01.120; amending section 29.01.140, chapter 9, Laws of 1965 as amended by section 1, chapter 178, Laws of 1971 ex. sess. and RCW 29.01.140; amending section 29.04.010, chapter 9, Laws of 1965 and RCW 29.04.010; amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.060, chapter 9, Laws of 1965 and RCW 29.04.060; amending section 29.04.070, chapter 9, Laws of 1965 and RCW 29.04.070; amending section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; amending section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; amending section 29.07.120, chapter 9, Laws of 1965 as amended by section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; amending section 29.07.130, chapter 9, Laws of 1965 as amended by section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; amending section 29.07.150, chapter 9, Laws of 1965 as amended by section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; amending section 29.07.170, chapter 9, Laws of 1965 as amended by section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; amending section 29.07.180, chapter 9, Laws of 1965 as amended by section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; amending section 29.10.030, chapter 9, Laws of 1965 as amended by section 25, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.030; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.10.060, chapter 9, Laws of 1965 as amended by section 27, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.060; amending section 29.10.090, chapter 9, Laws of 1965 as amended by section 29, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.090; amending section 29.10.100, chapter 9, Laws of 1965 as amended by section 31, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.100; amending section 29.10.110, chapter 9, Laws of 1965 as last amended by section 32, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.110; amending section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 111, Laws of 1975-'76 2nd ex. sess. and RCW 29.13.010; amending section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021; amending section 29.13.040, chapter 9, Laws of 1965 as amended by section 4, chapter 123, Laws of 1965 and RCW 29.13.040; amending section 29.18.010, chapter 9, Laws of 1965 and RCW 29.18.010; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; amending section 29.18.060, chapter 9, Laws of 1965 and RCW 29.18.060; repealing section 29.01.160, chapter 9, Laws of 1965 and RCW 29.01.160; repealing section 1, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.095; repealing section 6, chapter 156, Laws of 1965 ex. sess., section 3, chapter 202, Laws of 1971 ex. sess., section 2, chapter 111, Laws of 1973 1st ex. sess., section 2, chapter 127, Laws of 1974 ex. sess., section 1, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.100; repealing section 3, chapter 111, Laws of 1973 1st ex. sess. and RCW



29.04.110; repealing section 4, chapter 111, Laws of 1973 1st ex. sess., section 3, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.120; repealing section 29.10-.095, chapter 9, Laws of 1965, section 30, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.095; repealing section 4, chapter 156, Laws of 1965 ex. sess., section 35, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.150; repealing section 29.13-.015, chapter 9, Laws of 1965 and RCW 29.13.015; repealing section 29.13.025, chapter 9, Laws of 1965 and RCW 29.13.025; and repealing section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13.060.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2861, by Senator Francis:

AN ACT Relating to social and health services; amending section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080; amending section 19, chapter 252, Laws of 1941 as last amended by section 19, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.230; amending section 9, chapter 172, Laws of 1923 as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100; amending section 12, chapter 208, Laws of 1941 as amended by section 4, chapter 212, Laws of 1959 and RCW 31.08.150; amending section 3, chapter 213, Laws of 1959 and RCW 31.20.030; amending section 4, chapter 115, Laws of 1969 and RCW 48.44-.220; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 and RCW 49.60.176; amending section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of 1975 1st ex. sess. and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.224; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; amending section 7, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.515; creating new sections; adding a new section to chapter 31.12 RCW; adding a new section to chapter 33, Laws of 1955 and to chapter 30.04 RCW; adding a new section to chapter 121, Laws of 1921 and to chapter 31.16 RCW; adding a new section to chapter 162, Laws of 1963 and to chapter 31.24 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.36 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.23 RCW; adding a new section to chapter 59.18 RCW; and adding a new section to chapter 81.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2862, by Senators Van Hollebeke and Day:

AN ACT Relating to alcoholic beverages; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010.

Referred to Committee on Commerce.

SENATE BILL NO. 2863, by Senators Van Hollebeke, Grant and Day:

AN ACT Relating to state government; and adding a new chapter to Title 72 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2864, by Senator Bausch:

AN ACT Relating to motor vehicles; and amending section 46.52.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2865, by Senators Bottiger, Lewis, Bausch, von Reichbauer, Beck, Rasmussen, Gaspard, Walgren, Goltz, Wilson, Wojahn, Woody, Washington, Sellar, Wanamaker and Morrison (by Executive Request of Governor Ray):

AN ACT Relating to energy; amending section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.210; amending section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; amending section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040; adding a new section to chapter 43.06 RCW; adding new sections to chapter 43.21G RCW; adding a new section to chapter 43.21F RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2866, by Senators Donohue, Rasmussen, Mardesich and Guess:

AN ACT Relating to higher education; amending section 28B.20.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.010; amending section 28B.10.015, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.015; amending section 28B.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.020; amending section 28B.10.140, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.140; amending section 1, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.005; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 2, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.020; amending section 28B.40.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.010; amending section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200; amending section 28B.40.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.220; amending section 28B.40.370, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.370; amending section 28B.40.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.710; amending section 28B.40.751, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.751; amending section 64, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.910; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28B.10 and 28B.40 RCW; repealing section 28B.40.810, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.810; repealing section 28B.40.820, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.820; repealing section 28B.40.830, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.830; and creating an effective date.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2866 was referred to the Committee on Higher Education.

SENATE BILL NO. 2867, by Senators Van Hollebeke, Lewis and Day:

AN ACT Relating to revenue and taxation; and amending section 82.32.060, chapter 15, Laws of 1961 as last amended by section 17, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2868, by Senators von Reichbauer, North, Sellar and Fleming:

AN ACT Relating to fire protection districts; and amending section 1, chapter 55, Laws of 1971 and RCW 52.24.085.

Referred to Committee on Local Government.

SENATE BILL NO. 2869, by Senators Rasmussen and Bluechel:

AN ACT Relating to inheritance tax exemptions; amending section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; and amending section 19, chapter 292, Laws of 1961 and RCW 83.40.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2870, by Senator Grant:

AN ACT Relating to public disclosure; and amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2871, by Senators McDermott and Goltz:

AN ACT Relating to social and health services; amending section 28A.35.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 59, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.35.030; amending section 28A.13.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.030; amending section 28A.31.030, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 32, Laws of 1971 and RCW 28A.31.030; amending section 28A.31.040, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 32, Laws of 1971 and RCW 28A.31.040; amending section 1, chapter 46, Laws of 1973 and RCW 28A.31.050; amending section 28A.31.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.060; amending section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140; amending section 15, chapter 214, Laws of 1959 and RCW 72.13.150; amending section 16, chapter 214, Laws of 1959 and RCW 72.13.160; amending section 8, chapter 122, Laws of 1967 ex. sess. as amended by section 134, chapter 81, Laws of 1971 and RCW 72.15.060; amending section 72.16.020, chapter 28, Laws of 1959 and RCW 72.16.020; amending section 72.20.070, chapter 28, Laws of 1959 and RCW 72.20.070; amending section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.040; amending section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33.050; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.13 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 277, Laws of 1959 and to chapter 72.18 RCW; adding a new section to chapter 72.19 RCW; adding new sections to chapter 72.33 RCW; repealing section 1, chapter 141, Laws of 1967 and RCW 72.33.650; repealing section 2, chapter 141, Laws of 1967, section 2, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.655; repealing section 3, chapter 141, Laws of 1967 and RCW 72.33.660; repealing section 4, chapter 141, Laws of 1967, section 3, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.665; repealing section 5, chapter 141, Laws of 1967, section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670; repealing section 7, chapter 141, Laws of 1967 and RCW 72.33.680; repealing section 8, chapter 141, Laws of 1967 and RCW 72.33.685; repealing section 9, chapter 141, Laws of 1967 and RCW 72.33.690; repealing section 11, chapter 141, Laws of 1967 and RCW 72.33.695; and repealing section 12, chapter 141, Laws of 1967 and RCW 72.33-700.

Referred to Committee on Social and Health Services.

## SENATE BILL NO. 2872, by Senator Marsh:

AN ACT Relating to social and health services; amending section 11, page 364, Laws of 1854 as last amended by section 74, chapter 292, Laws of 1971 ex. sess. and RCW 4.16.190; amending section 290, page 186, Laws of 1854 as last amended by section 1, chapter 84, Laws of 1927 and RCW 5.60.030; amending section 293, page 186, Laws of 1854 as last amended by section 391, Code of 1881 and RCW 5.60.050; amending section 26, chapter 64, Laws of 1895 and RCW 6.12.300; amending section 27, chapter 64, Laws of 1895 and RCW 6.12.310; amending section 28, chapter 64, Laws of 1895 and RCW 6.12.320; amending section 5, chapter 11, Laws of 1893 as amended by section 7, chapter 292, Laws of 1971 ex. sess. and RCW 7.28.090; amending section 456, page 214, Laws of 1854 as last amended by section 17, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.36.020; amending section 551, page 142, Laws of 1869 as last amended by section 597, Code of 1881 and RCW 7.52.460; amending section 552, page 142, Laws of 1869 as last amended by section 598, Code of 1881 and RCW 7.52.470; amending section 9A.12.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.12.010; amending section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.020; amending section 11.02.005, chapter 145, Laws of 1965 as amended by section 23, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 11.02.005; amending section 11.08.280, chapter 145, Laws of 1965 and RCW 11.08.280; amending section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083; amending section 11.52.014, chapter 145, Laws of 1965 and RCW 11.52.014; amending section 11.52.020, chapter 145, Laws of 1965 as last amended by section 9, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.020; amending section 11.76.080, chapter 145, Laws of 1965 as last amended by section 45, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.080; amending section 4, chapter 297, Laws of 1957 as last amended by section 12, chapter 302, Laws of 1961 and RCW 13.04.200; amending section 4, chapter 101, Laws of 1957 as amended by section 19, chapter 223, Laws of 1967 and RCW 18.15.130; amending section 1, chapter 100, Laws of 1959 as amended by section 1, chapter 56, Laws of 1961 and RCW 19.06.010; amending section 2, chapter 100, Laws of 1959 as amended by section 4, chapter 56, Laws of 1961 and RCW 19.06.020; 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; amending section 419, chapter 249, Laws of 1909 and RCW 26.04.250; amending section 1, chapter 82, Laws of 1970 ex. sess. and RCW 26.36.050; amending section 1, chapter 272, Laws of 1955 and RCW 26.40.010; amending section 3, chapter 272, Laws of 1955 and RCW 26.40.030; amending section 4, chapter 272, Laws of 1955 and RCW 26.40.040; amending section 5, chapter 272, Laws of 1955 and RCW 26.40.050; amending section 6, chapter 272, Laws of 1955 and RCW 26.40.060; amending section 7, chapter 272, Laws of 1955 and RCW 26.40.070; amending section 8, chapter 272, Laws of 1955 and RCW 26.40.080; amending section 1, chapter 13, Laws of 1965 as last amended by section 1, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 4, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050; amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 7, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.070; amending section 1, chapter 170, Laws of 1955 and RCW 27.04.035; amending section 28A.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.020; amending section 11, chapter 66,

Laws of 1971 ex. sess. and RCW 28A.41.053; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1971 and RCW 28A.58.107; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.150; amending section 30.12.130, chapter 33, Laws of 1955 and RCW 30.12.130; amending section 30.30.060, chapter 33, Laws of 1955 and RCW 30.30.060; amending section 2, chapter 10, Laws of 1972 ex. sess. as amended by section 1, chapter 51, Laws of 1973 and RCW 28A.27.010; amending section 4, chapter 128, Laws of 1969 ex. sess. and RCW 48.21.150; amending section 1, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.200; amending section 2, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.210; amending section 13, chapter 174, Laws of 1913 as amended by section 13, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.110; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030; amending section 2, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.020; amending section 4, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.040; amending section 5, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.050; amending section 1, chapter 82, Laws of 1967 and RCW 70.83.010; amending section 1, chapter 141, Laws of 1969 and RCW 70.84.010; amending section 2, chapter 141, Laws of 1969 and RCW 70.84.020; amending section 5, chapter 141, Laws of 1969 and RCW 70.84.050; amending section 6, chapter 141, Laws of 1969 and RCW 70.84.060; amending section 7, chapter 141, Laws of 1969 and RCW 70.84.070; amending section 9, chapter 141, Laws of 1969 and RCW 70.84.080; amending section 9, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.040; amending section 45, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 115, Laws of 1974 ex. sess. and RCW 71.05.400; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 65, chapter 292, Laws of 1971 ex. sess. and RCW 71.06.010; amending section 71.12.455, chapter 25, Laws of 1959 and RCW 71.12.455; amending section 1, chapter 84, Laws of 1967 and RCW 71.28.010; amending section 72.05.170, chapter 28, Laws of 1959 and RCW 72.05.170; amending section 72.05.210, chapter 28, Laws of 1959 and RCW 72.05.210; amending section 72.06.050, chapter 28, Laws of 1959 and RCW 72.06.050; amending section 72.06.060, chapter 28, Laws of 1959 and RCW 72.06.060; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 11, chapter 199, Laws of 1975 1st ex. sess. and RCW 72.23.070; amending section 72.25.010, chapter 28, Laws of 1959 as amended by section 1, chapter 78, Laws of 1965 and RCW 72.25.010; amending section 72.25.020, chapter 28, Laws of 1959 as amended by section 2, chapter 78, Laws of 1965 and RCW 72.25.020; amending section 72.25.030, chapter 28, Laws of 1959 as amended by section 3, chapter 78, Laws of 1965 and RCW 72.25.030; amending section 3, chapter 11, Laws of 1965 and RCW 72.29.010; amending section 1, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.010; amending section 2, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.020; amending section 3, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.030; amending section 72.33.020, chapter 28, Laws of 1959 as last amended by section 1, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.020; amending section 2, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.125; amending section 72.33.130, chapter 28, Laws of 1959 as amended by section 3, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.130; amending section 72.33.150, chapter 28, Laws of 1959 as amended by section 5, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.150; amending section 11, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.165; amending section 72.33.170, chapter 28, Laws of 1959 as amended by section 7, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.170; amending section 72.33.220, chapter 28, Laws of 1959 as amended by section 9,

chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.220; amending section 72.33.240, chapter 28, Laws of 1959 as last amended by section 10, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.240; amending section 72.33.010, chapter 28, Laws of 1959 and RCW 72.33.010; amending section 72.33.040, chapter 28, Laws of 1959 as amended by section 3, chapter 56, Laws of 1969 and RCW 72.33.040; amending section 72.33.070, chapter 28, Laws of 1959 and RCW 72.33.070; amending section 72.33.080, chapter 28, Laws of 1959 and RCW 72.33.080; amending section 1, chapter 251, Laws of 1961 as last amended by section 9, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as last amended by section 10, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 as amended by section 11, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.810; amending section 72.40.040, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1969 and RCW 72.40.040; amending section 1, chapter 287, Laws of 1959 and RCW 72.70.010; amending section 1, chapter 172, Laws of 1967 and RCW 74.15.010; amending section 2, chapter 172, Laws of 1967 and RCW 74.15.020; amending section 3, chapter 172, Laws of 1967 and RCW 74.15.030; amending section 9, chapter 172, Laws of 1967 and RCW 74.15.090; amending section 11, chapter 115, Laws of 1895 as amended by section 57, chapter 292, Laws of 1971 ex. sess. and RCW 85.06.110; amending section 18, chapter 117, Laws of 1917 and RCW 90.03.150; creating new sections; adding a new section to chapter 8.25 RCW; adding a new section to chapter 272, Laws of 1955 and to chapter 26.40 RCW; adding a new section to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW; directing the recodification of RCW 28A.10.005, 28A.10.010, 28A.10.020, 28A.10.025, 28A.10.037, 28A.10.050, 28A.10.055, 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110 as a part of chapter 43.20A RCW; repealing section 14, chapter 153, Laws of 1907 and RCW 8.12.180; repealing section 35, chapter 249, Laws of 1909 and RCW 9.92.100; repealing section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess., section 1, chapter 149, Laws of 1959, section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030; repealing section 2, chapter 174, Laws of 1909, section 2, chapter 16, Laws of 1909 ex. sess., section 2, chapter 149, Laws of 1959, section 28, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.040; repealing section 9, chapter 272, Laws of 1955 and RCW 26.40.090; repealing section 28A.13.050, chapter 223, Laws of 1969 ex. sess., section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.050; and repealing section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2873, by Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request):

AN ACT Relating to education; providing for bilingual instruction in the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; and making effective dates.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2874, by Senators Goltz, Ridder, Francis and Fleming:

AN ACT Relating to public assistance; and amending section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2875, by Senators Grant and Ridder:

AN ACT Relating to wage claims; establishing a wage claim fund; imposing an employer assessment; amending section 1, chapter 96, Laws of 1935 and RCW 49.48.040; amending section 3, chapter 96, Laws of 1935 as amended by section 4,

chapter 55, Laws of 1971 ex. sess. and RCW 49.48.060; and adding new sections to chapter 49.48 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2876, by Senators Goltz, Francis, Fleming, Wojahn, Mardesich and Murray:

AN ACT Relating to public assistance; and adding new sections to chapter 26, Laws of 1959 and to chapter 74.08 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2877, by Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request):

AN ACT Relating to ethics and disclosure; amending section 4, chapter 1, Laws of 1973 as amended by section 3, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.040; amending section 9, chapter 1, Laws of 1973 as last amended by section 3, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.090; reenacting and amending section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240; amending section 8, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.080; adding new sections to chapter 42.17 RCW; adding a new section to chapter 42.21 RCW; and defining crimes.

Referred to Committee on Constitution and Elections.

SENATE JOINT MEMORIAL NO. 107, by Senators Rasmussen and Matson:

Memorializing Congress to expand and extend the availability of Individual Retirement Accounts.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 119, by Senator Grant:

Amending the state Constitution.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 120, by Senator Grant:

Amending the state Constitution.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 121, by Senator Grant:

Amending the state Constitution.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 122, by Senators Goltz and North:

Amending the Constitution to establish a unicameral legislature.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 111, by Senators Woody and Henry:

Naming the next state ferry "Snohomish".

Referred to Committee on Transportation.

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Jones, Mardesich, Matson and Murray:

Creating a committee to study the state's retirement systems and make recommendations.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 242, by Representative Hanna:

Deleting minimum requirement for instruction at cosmetology school.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 390, by Representatives Berentson, Kilbury and Newhouse:

Fixing the rate of repaying damage to animals caused by dogs.

Referred to Committee on Agriculture.

There being no objection, additional sponsors were permitted on Senate Bills 2824, 2831, 2832, 2837, 2838, 2840, 2846, 2850, 2856, 2865, 2866, 2868, 2873, 2874, 2876, 2877, Senate Concurrent Resolution 112.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 17, 1977.

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

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

Taul Watanabe, appointed February 3, 1977, for a term ending March 9, 1982 succeeding Jack G. Neupert as a member of the Board of Regents, University of Washington.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 17, 1977.

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

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

Mr. James Bender, appointed February 3, 1977, for a term ending January 15, 1981 succeeding Herman Sarkowsky as a member of the Horse Racing Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

#### MOTION

On motion of Senator Rasmussen, the gubernatorial appointment of Mr. James Bender was referred to the Committee on State Government.

#### PERSONAL PRIVILEGE

Senator Morrison: "Point of personal privilege, Mr. President. Mr. President, it has been brought to my attention that the Senate water fountains run full time, and I would like to make a personal request of the facilities committee that we turn off the Senate's water. I would like to suggest to the press that this is not to be referred to that the Senate votes dry, but that conservation as well as charity begins at home. Thank you."



MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Friday, February 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 18, 1977.

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 Fleming, Francis, Morrison, Peterson, von Reichbauer and Woody. On motion of Senator Jones, Senator Morrison was excused. On motion of Senator Odegaard, Senators Fleming, Francis, Peterson, von Reichbauer and Woody were excused.

The Color Guard, consisting of Pages Becky Segall and Gregg Baker, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"LORD, YOU HAVE INDICATED BY PROPHETS OF OLD, THAT PERSISTENCE IN PRAYER IS IN ORDER WHEN NEEDS ARE GREAT. THE RAIN, LORD OF SKY AND CLOUD, THE RAIN STILL HAS NOT COME. COULD THERE BE A REASON YOU WITHHOLD THE WATER? IF SO, LET US KNOW THAT WE MAY REPENT AND BE BLESSED. OR, BETTER STILL, LEAD US NOW TO THE CONVICTION THAT WHEN ONCE AGAIN YOU OPEN THE SKIES, WE WILL USE WITH GREATER CAUTION WHAT FALLS TO EARTH TO SWEETEN SOIL AND GREEN THE LEAF. THEN, EVEN THIS DROUGHT WILL BE TO US A BLESSING. 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 18, 1977.

SENATE BILL NO. 2182, increasing operating tax on certain transportation companies (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 17, 1977.

SENATE BILL NO. 2309, establishing a state women's commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Referred to Committee on Ways and Means.

February 17, 1977.

SENATE BILL NO. 2454, providing for the certification and regulation of operators of public water supply systems (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2454 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 18, 1977.

SENATE BILL NO. 2484, modifying scope of the authority of the utilities and transportation commission to issue rules (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 17, 1977.

SENATE CONCURRENT RESOLUTION NO. 108, establishing the weather emergency task force (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 108 be substituted therefor and the substitute resolution do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Lewis.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 17, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 110, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 17, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 45,

ENGROSSED HOUSE BILL NO. 146,

SUBSTITUTE HOUSE BILL NO. 194,

SUBSTITUTE HOUSE BILL NO. 200,

HOUSE BILL NO. 208,

HOUSE BILL NO. 229,

SUBSTITUTE HOUSE BILL NO. 255,

ENGROSSED HOUSE BILL NO. 275,

ENGROSSED HOUSE BILL NO. 285,

HOUSE JOINT RESOLUTION NO. 21, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, Introductions and Referrals will be made at a later time today after members have an opportunity to check the listing of bills and referrals.

## SECOND READING

SENATE BILL NO. 2159, by Senators Woody, Clarke, Day, Sellar and Hayner:

Permitting a counterclaim for malicious prosecution in the principal action.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2159 was ordered to hold its place on the second reading calendar for February 21, 1977.

## THIRD READING

ENGROSSED SENATE BILL NO. 2058, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Prohibiting drivers schools from using DMV test routes.

## MOTIONS

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2058 was ordered returned to second reading.

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2058 was ordered placed on today's second reading calendar following Senate Bill No. 2085.

## SECOND READING

SENATE BILL NO. 2215, by Senators Francis, Woody and Clarke:

Revising probate laws.

## REPORT OF STANDING COMMITTEE

February 8, 1977.

SENATE BILL NO. 2215, revising probate laws (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 34, before "Unless" insert "(1)"

On page 7, line 3, after "claims" and before "presented" insert "not exceeding one thousand dollars"

On page 7, line 11, after "in part" and before "the personal" strike "; if" and insert "~~((;if))~~:"

(2) When a claim exceeding one thousand dollars is presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, it shall be the duty of the personal representative to indorse thereon his allowance or rejection. A claimant after a claim has been on file for at least thirty days may notify the personal representative that he will petition the court to have the claim allowed. If the personal representative fails to file an allowance or rejection of such claim twenty days after the receipt of such notice, the claimant may note the matter up for hearing and the court shall hear the matter and determine whether the claim should be allowed or rejected, in whole or in part. If at the hearing the claim is substantially allowed the court may allow petitioner reasonable attorney's fees of not less than one hundred dollars chargeable against the estate.

(3) If"

On page 7, line 29, before "The" insert "(4)"

On page 9, line 5, after "spouse" and before "in the" on line 6, strike ", exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property," and insert "~~((;exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property;~~"

On page 9, beginning on line 14, strike all of section 11 and renumber the remaining sections consecutively

On page 10, line 16, after "probate," and before "the" strike "together with" and insert "not including"

On page 13, line 20, after "a)" strike all of the material down to and including "partners" on line 22, and insert "((partner)) three months after receiving written request from the personal representative the surviving partner or partners of the partnership"

On page 13, line 33, before "the assets" strike "cause" and insert "((cause)) permit"

On page 14, line 10, after "fixed:))" strike the remainder of the section

On page 14, line 33, after "inventory" and before "((if" on line 34, strike ", a list of liabilities, or appraisal, or" and insert "((;) or list of liabilities, ((σ)) to permit an appraisal, or"

On page 15, line 3, after "inventory" and before "appraisal" on line 4, strike ", list of liabilities, or" and insert "((;) list of liabilities, or permitted an"

On page 15, line 9, after "inventory" and before "appraisal," strike ", list of liabilities, or" and insert "((;) or list of liabilities, or to permit an"

On page 25, add two new sections following section 30, being renumbered section 29:

"NEW SECTION. Sec. 30. If any provisions of this 1977 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. 31. This 1977 amendatory act shall take effect on October 1, 1977 and shall apply to all proceedings in probate with respect to decedents whose deaths occurred after the effective date."

Renumber the following section accordingly.

In line 20 of the title, after "RCW 11.52.022;" strike all the material down through and including "RCW 6.12.020;" on line 22

On page 2, line 19, of the title, after "chapter 11.62 RCW;" strike "and" and in line 21 after "11.76.140" and before the period insert "and providing an effective date"

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

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment to page 6 was adopted.

On motion of Senator Hayner, the committee amendments to page 7, lines 3, 11 and 29 were adopted.

Senator Hayner moved adoption of the committee amendment to page 9, line 5.

### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Hayner yield to a question? Senator Hayner, this is a credible change and I agree with you, with the amendment. What I wish to ask now, in any place in this bill is the homestead amount increased? There is a bill around here someplace floating that would increase from ten thousand to twenty thousand. It is my personal opinion that with the assessed value of real estate going up at the skyrocketing rate that it is, that it should be a minimum of thirty thousand homestead exemption."

Senator Hayner: "This does not actually address that. It just permits the judge to consider only as award in lieu of homestead that which is received out of probate, so in effect, it does raise it, and he can consider whether or not he wants to permit that award in lieu of homestead."

Senator Rasmussen: "Would this bill take an amendment increasing the homestead amount?"

Senator Hayner: Well, as a matter of fact, that is in a different statute as well, the homestead provision."

Senator Rasmussen: "I know there is another bill on it. That is why I was wondering if we could amend this bill to carry that homestead exemption."

Senator Hayner: "You would also have to amend the homestead statute dealing with homesteads."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, to clarify Senator Rasmussen's question, Senator, if you will look on line 9, you will see the figure, 20,000. Senator Rasmussen, you will see the 20,000 figure on line 9. The bill you are referring to is another statute on exempt property from execution, where that bill purports to raise that statute to the same 20,000 we use and set aside in lieu of homestead in the probate code."

Debate ensued.

The motion by Senator Hayner carried and the committee amendment to page 9, line 5 was adopted.

On motion of Senator Hayner, the remaining committee amendments were adopted.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would, at the proper time, move for reconsideration of adoption of the committee amendment to page 9, line 14.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Bottiger yield? Senator Bottiger, we were going to request this bill be held over until Monday. Would you object to holding your request to repeal the amendment over? I think everyone is in the dark on this, and we could do a much better job if we had a chance to look it over and probably vote with you."

Senator Bottiger: "Senator Bailey, having made the motion at this time, if the motion is made to hold the bill over, I have no objection as long as this is the first order of business."

#### MOTION

Senator Bailey moved that Senate Bill No. 2215, as amended, together with the notice of reconsideration by Senator Bottiger on adoption of the committee amendment to page 9, line 14, be held for further consideration on February 21, 1977.

Debate ensued.

The motion by Senator Bailey carried.

There being no objection, on motion of Senator Hayner, the committee amendments to the title were considered and adopted simultaneously.

#### SECOND READING

SENATE BILL NO. 2085, by Senators Washington, Guess and Goltz:  
Designating regional universities.

## MOTION

On motion of Senator Mardesich, Senate Bill No. 2085 was ordered to hold its place on the second reading calendar for February 21, 1977.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2090.

## SECOND READING

SENATE BILL NO. 2090, by Senators Day, North, Goltz and McDermott:  
Broadening the class of medical personnel authorized to write prescriptions.

## REPORT OF STANDING COMMITTEE

February 9, 1977.

SENATE BILL NO. 2090, broadening the class of medical personnel authorized to write prescriptions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "States" strike "army, navy" and insert "armed forces"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Pullen, Ridder, Wojahn.

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. 2090 was advanced to third reading, the second 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. 2090, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Fleming, Francis, Morrison, Peterson, von Reichbauer, Woody—6.

ENGROSSED SENATE BILL NO. 2090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

On motion of Senator Henry, the following bill was returned to the Committee on Transportation:

ENGROSSED SENATE BILL NO. 2058, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):  
Prohibiting drivers schools from using DMV test routes.

#### MOTION

At 12:02 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

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

#### MOTIONS

On motion of Senator Marsh, Senator McDermott was excused.  
On motion of Senator Sandison, Senator Talley was excused.  
There being no objection, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 18, 1977.

SENATE BILL NO. 2620, relating to emergency use of water (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: President John A. Cherberg, Chairman; Senators Bailey, Beck, Clarke, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Talley, Walgren.

Referred to Committee on Ways and Means.

February 18, 1977.

SENATE BILL NO. 2632, relating to water distribution projects (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: President John A. Cherberg, Chairman; Senators Bailey, Beck, Clarke, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Talley, Walgren.

Referred to Committee on Ways and Means.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 110.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

Office of the Governor, February 18, 1977.

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

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



Dr. J. H. Lehmann, appointed March 15, 1977, for a term ending March 14, 1983, succeeding George Powell as a member of the University of Washington Board of Regents.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2374.

### SECOND READING

SENATE BILL NO. 2374, by Senators Guess and Peterson (by Department of Highways request):

Standardizing low clearance signing and increasing certain weight limits.

### REPORT OF STANDING COMMITTEE

February 9, 1977.

SENATE BILL NO. 2374, standardizing low clearance signing and increasing certain weight limits (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, beginning on line 35, after the period strike the remainder of the paragraph and insert "~~(When wheelbase of a group of axles is less than the wheelbase required by the above table to attain maximum single axle and tandem axle allowance, no axle shall exceed any axle in such group by more than two thousand five hundred pounds in weight. For this purpose of determining equal axle weight distribution, the front axle of a unit supplying motive power shall not be included in the axle group.)~~ The maximum load on any axle in any group of axles shall not exceed 1.2 times the load given in the above table divided by the number of axles in that group, and shall not exceed the single axle or tandem axle allowance as set forth elsewhere. For considering the number of axles in a group, the front axle of a unit supplying motive power need not be included in the axle group.

On page 7, line 24, after the period insert a new paragraph to read as follows:

"Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations and procedures in effect in this state on January 4, 1975."

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Guess, Peterson, Talley.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment to page 6 was adopted. Senator Guess moved adoption of the committee amendment to page 7.

### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Guess yield to a question? Senator Guess, I don't have that section 127 of title 23 United States Code. Does this authorize in any way the use of trailer chains on the Washington state highways?"

Senator Guess: "No, Senator, it does not, no more than the double bottoms that we are using. If you are talking about the triple bottoms, this does not permit the

use of triple bottoms on our highways. That would have to be in an entirely different section."

Senator Rasmussen: "Does not extend the overall length?"

Senator Guess: "No, sir."

Senator Rasmussen: "Thank you."

#### POINT OF INQUIRY

Senator Donohue: "Will Senator Guess yield? Senator, does this relate to part of the problem that I mentioned to you?"

Senator Guess: "Yes, sir, it is, Senator Donohue. This was written to take care of that situation which you brought to my attention, also to take the people off of the hook that had been using particularly a specially made trailer in the past. It now legalizes that."

Senator Donohue: "Senator Rasmussen wants me to explain what I talked to you about. It is very simply this, that on some of the truck and trailer combinations that are entering the state and leaving the state, there is a problem. We created a problem inadvertently last year or the year before as it relates to shifting loads. The trailers that are entering the state, from Oregon for instance, are allowed to weigh and then shift their load if the load is overweight and on a certain portion of the trailer, and if I am correct, Senator Guess, this will allow Washington state trucks to have that same privilege as it pertains to the fifth wheel."

Senator Guess: "This is correct, Senator, and that and the other amendment that we just adopted."

The motion by Senator Guess carried and the committee amendment to page 7 was adopted.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Guess yield? I gather that there was an excess allowance of twenty-five hundred pounds under the laws that existed before?"

Senator Guess: "Yes, sir."

Senator Mardesich: "What is the effect of the new law in terms of excesses per axle?"

Senator Guess: "One and two tenths times the load given in the table, Senator."

Senator Mardesich: "Can you tell me in terms of poundage what that might be, for instance?"

Senator Guess: "On a fifty thousand pound it would be 1.2 times that, so you would have a thousand pounds."

Senator Mardesich: "That is ten thousand."

Senator Guess: "I mean ten thousand."

Senator Mardesich: "Increases by four times the excess weight allowances? I don't know if it does or not, but I started looking at it, and I'm—"

Senator Guess: "No, sir. The maximum load on any axle, on any group of axles, shall not exceed 1.2 times the load given in the above tables divided by the number of axles. Normally, you have thirty four thousand pounds on a set of duals. This means that you have got seventeen thousand pounds on any one axle, so then you could allow 1.2 times the seventeen thousand pounds."

On motion of Senator Guess, Engrossed Senate Bill No. 2374 was advanced to third reading, the second 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. 2374, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 5; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Bausch, Bottiger, Gaspard, Grant, Murray—5.

Excused: Senators Fleming, Francis, McDermott, Morrison, Peterson, Talley, von Reichbauer, Woody—8.

ENGROSSED SENATE BILL NO. 2374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Jones, Senator Murray was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2172.

## SECOND READING

SENATE BILL NO. 2172, by Senators Talley, Day and Buffington:  
Licensing acupuncturists.

## REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2172, licensing acupuncturists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13, strike "accept" and insert "consider"

On page 1, line 18, after "country" insert "or state"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, McDermott, Ridder, Van Hollebeke, Wojahn.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

## MOTION

On motion of Senator Newschwander, Senate Bill No. 2172, as amended, was ordered to hold its place on the second reading calendar for February 21, 1977.

## MOTION

On motion of Senator Marsh, Senate Bill No. 2322 and Senate Bill No. 2317 were ordered to hold their places on the second reading calendar for February 21, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2384.

## SECOND READING

SENATE BILL NO. 2384, by Senators Marsh, Matson and Grant (by Department of Labor and Industries request):

Changing the time for renewal of registration certificates of contractors.

The bill was read the second time by sections.

On motion of Senator Marsh, Senate Bill No. 2384 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 Marsh yield? Senator Marsh, what is the practice? Do they give them mail notice of the expiration as they do auto licenses?"

Senator Marsh: "That is my understanding, and this bill simply says that the renewal time will be at or before the expiration date rather than in August of each year."

Senator Rasmussen: "I understand that. I didn't know what the practice was, whether or not they are putting a deadline on them that might create a problem."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2384, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senator Grant—1.

Excused: Senators Fleming, Francis, McDermott, Morrison, Murray, Peterson, Talley, von Reichbauer, Woody—9.

SENATE BILL NO. 2384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 18, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, and has granted said committee powers of Free Conference, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

February 18, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2056 as amended by the House, implementing

constitutional amendment permitting school district levies for two-year periods, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to propose the following:

We recommend that the House amendments to Engrossed Substitute Senate Bill No. 2056 be not adopted, and that the bill be amended as follows:

On page 2, line 9, after "no" strike all language down to and including "period" on line 10 and insert "further additional tax levies for the support of the district for that period may be authorized except for expenditures attributable to an unanticipated increase in student enrollment and for the acquisition of motor vehicles for student transportation."

Signed by: Senators Odegaard, Gould and McDermott; Representatives Sommers, Amen and Bauer.

#### MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### MOTION

On motion of Senator Jones, Senator Scott was excused.

#### MOTION

At 2:32 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 2:55 p.m.

#### MOTION

On motion of Senator Marsh, Senator Bausch was excused.

#### MESSAGE FROM THE HOUSE

February 18, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2056, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

February 18, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2056, implementing constitutional amendment permitting school district levies for two-year period, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Odegaard, Gould and McDermott; Representatives Sommers, Amen and Bauer.

## MOTION

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

## MOTION

Senator Odegaard moved the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2056 be adopted.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Odegaard yield to a question? Senator Odegaard, the language of the amendment says, refers to quote, 'an unanticipated increase in student enrollment.' I would assume that unanticipated increase in student enrollment refers to the second year enrollment over that level budgeted for?"

Senator Odegaard: "That would be—"

Senator Mardesich: "Projected and budgeted for?"

Senator Odegaard: "Correct assumption, yes. I would think that the budgeted level, including the special levy request would have used a projected figure for the second year, probably from the SPI office, and if the enrollment level came out to be a higher level than had been projected, then they would be allowed to ask for a special levy that second year for that purpose."

## REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, if I may add to that, I understand the concern, but I know it was the intent of the committee that that unanticipated increase in student enrollment would refer back to the phrase that says, 'for the support of the district for that period in which it is authorized,' and it certainly was our intent that the unanticipated increase in enrollment had to be during that two-year period in which the levy was authorized."

## POINT OF INQUIRY

Senator Wilson: "Would Senator Odegaard yield? Senator Odegaard, I appreciate your effort to tighten up the phraseology because the proposition was told to the voters on the basis that if they passed the two-year levy, they wouldn't be bothered again. However, you mentioned the instance of where a school bus might burn down. What if the whole school burned down and the district incurred extraordinary expenses in trying to maintain its classes for, say, a period of one or two years which might be required to build a new school? Is there any provision for an instance such as that?"

Senator Odegaard: "Senator Wilson, of course, the bonding levies are totally outside of this anyway, and then if a district wanted to pass a special levy for building purposes, that is outside of this also, because that does not come under the definition of support for the school district, and you notice in this wordage, the word 'support' is used, so the capital needs would all be outside of this particular bill."

Senator Wilson: "My question referred to abnormal operating expenses that a district might incur during a period when it had to house its classes all over town or perhaps in some other community during the period that a new school is being constructed."

Senator Odegaard: "That could be a problem, Senator Wilson, and where that has happened though, I have noticed that in the state that the state school superintendent has taken from his emergency funds to handle special problems, and I would assume that he would continue to do that. We talked about those kinds of problems but felt that was beyond the intent of what the Senate desired when we originally

passed the bill, that pretty soon it would be wide open, and the districts would be in asking for about anything that they might call an emergency the second year. We thought it was beyond the wishes of the people when they voted the two-year constitutional amendment, voted for it."

Debate ensued.

The motion by Senator Odegaard carried and the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2056 was adopted.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2056, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 3; absent or not voting, 2; excused, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—32.

Voting nay: Senators Matson, Newschwander, Pullen—3.

Absent or not voting: Senators Grant, Guess—2.

Excused: Senators Bausch, Clarke, Fleming, Francis, Jones, McDermott, Morrison, Murray, Peterson, Talley, von Reichbauer, Woody—12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2056, 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 SENATE BILL NO. 2056.

### MESSAGE FROM THE HOUSE

February 18, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2561 with the following amendment:

On page 1, section 2, line 23, after "RCW." add "In addition, chapter 43.21C RCW shall not apply to weather modification activities undertaken by private persons under authority of a permit issued pursuant to chapter 43.37 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Donohue, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2561.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 2; excused, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Newschwander, North, Odegaard, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Absent or not voting: Senators Grant, Guess—2.

Excused: Senators Bausch, Clarke, Fleming, Francis, Jones, McDermott, Morrison, Murray, Peterson, Talley, von Reichbauer, Woody—12.

ENGROSSED SENATE BILL NO. 2561, 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:

SENATE BILL NO. 2561.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the following Introductions and Referrals were made as indicated on the short title sheet with the following exception: Senate Bill No. 2990 was referred to the Committee on Commerce.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2878, by Senator Grant:  
AN ACT Relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2879, by Senator Grant:  
AN ACT Relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2880, by Senator Sellar:  
AN ACT Relating to public lands.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2881, by Senator Talley:  
AN ACT Relating to port districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 2882, by Senator Talley:  
AN ACT Relating to harbor lines.  
Referred to Committee on Local Government.

SENATE BILL NO. 2883, by Senator Grant:  
AN ACT Relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2884, by Senator Grant:  
AN ACT Relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2885, by Senator Buffington:  
AN ACT Relating to municipal contract authorization.  
Referred to Committee on Local Government.



SENATE BILL NO. 2886, by Senator McDermott:  
AN ACT Relating to basic education.  
Referred to Committee on Education.

SENATE BILL NO. 2887, by Senator McDermott:  
AN ACT Relating to basic skills.  
Referred to Committee on Education.

SENATE BILL NO. 2888, by Senator McDermott:  
AN ACT Relating to employees of school districts.  
Referred to Committee on Education.

SENATE BILL NO. 2889, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2890, by Senator McDermott:  
AN ACT Relating to the accreditation of schools.  
Referred to Committee on Education.

SENATE BILL NO. 2891, by Senator McDermott:  
AN ACT Relating to school transportation.  
Referred to Committee on Education.

SENATE BILL NO. 2892, by Senator McDermott:  
AN ACT Relating to school holidays.  
Referred to Committee on Education.

SENATE BILL NO. 2893, by Senator McDermott:  
AN ACT Relating to funding for education.  
Referred to Committee on Education.

SENATE BILL NO. 2894, by Senator Ridder:  
AN ACT Relating to labor relations.  
Referred to Committee on Labor.

SENATE BILL NO. 2895, by Senators Scott and North:  
AN ACT Relating to family planning; and adding a new chapter to Title 74  
RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2896, by Senator Mardesich:  
AN ACT Relating to public hospital districts.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2897, by Senator Goltz:  
AN ACT Relating to social and health services.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2898, by Senator Day:  
AN ACT Relating to juvenile corrections.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2899, by Senator Goltz:  
AN ACT Relating to mental illness.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2900, by Senator Day:  
AN ACT Relating to state institutions.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2901, by Senator Day:

AN ACT Relating to dental hygiene.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2902, by Senator Day:

AN ACT Relating to medical care fees.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2903, by Senator Day:

AN ACT Relating to prisoner discipline.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2904, by Senator Goltz:

AN ACT Relating to alcoholism.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2905, by Senator Fleming:

AN ACT Relating to business regulations; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2906, by Senator Fleming:

AN ACT Relating to freedom from discrimination in commerce; and amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2907, by Senators Rasmussen, Gould and Donohue (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to travel expenses; and amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2908, by Senator Walgren:

AN ACT Relating to crimes and criminal procedure; amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; amending section 3, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.160; amending sections 1 and 2, chapter 86, Laws of 1903 as amended by section 34, chapter 249, Laws of 1909 and RCW 9.92.090; amending section 9A.48.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.030; amending section 9A.52.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 7, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.52.030; amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.060; adding a new section to chapter 69.50 RCW; repealing section 78, chapter 249, Laws of 1909 and RCW 9.18.080; repealing section 1, chapter 2, Laws of 1975 1st ex. sess. and RCW 10.19.130; repealing section 39, chapter 249, Laws of 1909 and RCW 10.52.090; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2909, by Senators Guess and Scott:

AN ACT Relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; and amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250.

Referred to Committee on Transportation.

SENATE BILL NO. 2910, by Senators Bottiger, Bailey, Rasmussen, Beck, Lewis, Hayner, Sellar and Benitz (by Executive Request of Governor Ray):

AN ACT Relating to energy facility sites; amending section 2, chapter 45, Laws of 1970 ex. sess. as amended by section 30, chapter 108, Laws of 1975-'76

2nd ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 31, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.030; amending section 6, chapter 45, Laws of 1970 ex. sess. as amended by section 34, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.060; amending section 8, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.080; amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; amending section 10, chapter 45, Laws of 1970 ex. sess. as amended by section 36, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110; amending section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150; adding new sections to chapter 80.50 RCW; repealing section 5, chapter 45, Laws of 1970 ex. sess., section 33, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.050; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2911, by Senator Day:

AN ACT Relating to public assistance; and amending section 74.09.070, chapter 26, Laws of 1959 and RCW 74.09.070.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2912, by Senators Rasmussen and Donohue (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to state government; and amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2913, by Senators Scott and Bluechel:

AN ACT Relating to state government; adding new sections to chapter 43.17 RCW; creating new sections; repealing section 1, chapter ... (HB ...), Laws of 1977 and RCW 43.17.010; repealing section 2, chapter ... (HB ...), Laws of 1977 and RCW 43.17.020; repealing section .02.01, chapter 79, Laws of 1947 and RCW 48.02.010; repealing section .02.02, chapter 79, Laws of 1947 and RCW 48.02.020; repealing section .02.03, chapter 79, Laws of 1947 and RCW 48.02.030; and repealing section .02.05, chapter 79, Laws of 1947 and RCW 48.02.050.

Referred to Committee on State Government.

SENATE BILL NO. 2914, by Senator Day:

AN ACT Relating to abandoned vehicles; amending section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.102; amending section 5, chapter 42, Laws of 1969 ex. sess. as amended by section 44, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.108; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110; amending section 7, chapter 42, Laws of 1969 ex. sess. as amended by section 41, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.111; amending section 8, chapter 42, Laws of 1969 ex. sess. as amended by section 42, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.112; amending section 9, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.113; amending section 10, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.114; amending section 11, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.116; amending section 1, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.145; amending section 2, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.020; amending section 5, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.050; amending section 7, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.070; amending section 11, chapter 110, Laws of 1971 ex. sess. and RCW

46.79.110; adding a new section to chapter 46.52 RCW; adding a new section to chapter 46.79 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2915, by Senator Woody:

AN ACT Relating to education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; repealing section 28A.70.160, chapter 223, Laws of 1969 ex. sess., section 51, chapter 48, Laws of 1971, section 2, chapter 55, Laws of 1974 ex. sess., section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160; repealing section 28A.70.170, chapter 223, Laws of 1969 ex. sess., section 52, chapter 48, Laws of 1971, section 138, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.170; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2916, by Senators Bausch, Beck and Goltz:

AN ACT Relating to inheritance tax exemptions; amending section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; and amending section 19, chapter 292, Laws of 1961 and RCW 83.40.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2917, by Senators Bluechel, Wanamaker and Henry:

AN ACT Relating to highway construction funding; amending section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440; amending section 29, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.280; creating a new chapter in Title 82 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2918, by Senator Woody:

AN ACT Relating to product liability; adding a new section to chapter 4.16 RCW; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2919, by Senator Ridder:

AN ACT Relating to social and health services; amending section 3, chapter 160, Laws of 1913 as last amended by section 9, chapter 331, Laws of 1959 and RCW 13.04.040; amending section 6, chapter 302, Laws of 1961 as amended by section 1, chapter 137, Laws of 1967 and RCW 13.04.095; amending section 6, chapter 302, Laws of 1961 as last amended by section 2, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 13.04.095; amending section 8, chapter 160, Laws of 1913 as last amended by section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100; amending section 13, chapter 160, Laws of 1913 as amended by section 1, chapter 121, Laws of 1945 and RCW 13.04.135; amending section 2, chapter 253, Laws of 1957 and RCW 18.20.020; amending section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010; amending section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030; amending section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 9, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.040; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; amending section 8, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.060; amending section 9, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.070; amending section 28A.14.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.030; amending section 2, chapter 78, Laws of 1971 and RCW 28A.24.111; 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 28A.35.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter

105, Laws of 1972 ex. sess. and RCW 28A.35.010; amending section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.215; amending section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.220; amending section 28B.20.410, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.410; amending section 28B.20.412, section 223, Laws of 1969 ex. sess. as amended by section 8, chapter 62, Laws of 1973 and RCW 28B.20.412; amending section 28B.20.414, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.414; amending section 29.51.210, chapter 9, Laws of 1965 and RCW 29.51.210; amending section 1, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.520; amending section 2, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.525; amending section 3, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.530; amending section 1, chapter 20, Laws of 1975 and RCW 39.23.005; amending section 2, chapter 20, Laws of 1975 and RCW 39.23.010; amending section 3, chapter 20, Laws of 1975 and RCW 39.23.020; amending section 1, chapter 110, Laws of 1967 and RCW 35.59.010; amending section 3, chapter 110, Laws of 1967 and RCW 35.59.030; amending section 2, chapter 300, Laws of 1971 ex. sess. and RCW 35.82.280; amending section 2, chapter 198, Laws of 1973 1st ex. sess. and RCW 35.82.285; amending section 35.86.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86.010; amending section 4, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.040; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 25, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.291; amending section .18.48, chapter 79, Laws of 1947 as amended by section 12, chapter 193, Laws of 1957 and RCW 48.18.480; amending section 7, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.300; amending section 51.32.020, chapter 23, Laws of 1961 as amended by section 42, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.020; amending section 1, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.010; amending section 3, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.030; amending section 1, chapter 23, Laws of 1945 and RCW 70.50.010; amending section 2, chapter 23, Laws of 1945 and RCW 70.50.020; amending section 1, chapter 177, Laws of 1959 and RCW 70.58.300; amending section 2, chapter 177, Laws of 1959 and RCW 70.58.310; amending section 3, chapter 177, Laws of 1959 and RCW 70.58.320; amending section 4, chapter 177, Laws of 1959 and RCW 70.58.330; amending section 5, chapter 177, Laws of 1959 and RCW 70.58.340; amending section 6, chapter 177, Laws of 1959 and RCW 70.58.350; amending section 1, chapter 240, Laws of 1947 as amended by section 2, chapter 91, Laws of 1974 ex. sess. and RCW 70.82.010; amending section 3, chapter 240, Laws of 1947 and RCW 70.82.030; amending section 2, chapter 82, Laws of 1967 as amended by section 1, chapter 27, Laws of 1975-'76 2nd ex. sess. and RCW 70.83.020; amending section 3, chapter 82, Laws of 1967 and RCW 70.83.030; amending section 4, chapter 82, Laws of 1967 and RCW 70.83.040; amending section 6, chapter 82, Laws of 1967 and RCW 70.83.060; amending section 3, chapter 141, Laws of 1969 and RCW 70.84.030; amending section 4, chapter 141, Laws of 1969 as amended by section 1, chapter 77, Laws of 1971 ex. sess. and RCW 70.84.040; amending section 71.02.360, chapter 25, Laws of 1959 and RCW 71.02.360; amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020; amending section 71.06.060, chapter 25, Laws of 1959 as amended by section 2, chapter 104, Laws of 1967 and RCW 71.06.060; amending section 3, chapter 104, Laws of 1967 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140; amending section 71.06.210, chapter 25, Laws

of 1959 and RCW 71.06.210; amending section 72.01.110, chapter 28, Laws of 1959 and RCW 72.01.110; amending section 72.05.130, chapter 28, Laws of 1959 and RCW 72.05.130; amending section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150; amending section 72.05.160, chapter 28, Laws of 1959 and RCW 72.05.160; amending section 72.05.300, chapter 28, Laws of 1959 and RCW 72.05.300; amending section 72.05.310, chapter 28, Laws of 1959 and RCW 72.05.310; amending section 72.16.070, chapter 28, Laws of 1959 and RCW 72.16.070; amending section 72.23.120, chapter 28, Laws of 1959 and RCW 72.23.120; amending section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.050; amending section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160; amending section 72.33.180, chapter 28, Laws of 1959 as last amended by section 1, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.180; amending section 72.33.210, chapter 28, Laws of 1959 and RCW 72.33.210; amending section 4, chapter 251, Laws of 1961 as last amended by section 12, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.815; amending section 4, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.860; amending section 1, chapter 118, Laws of 1973 and RCW 72.41.010; amending section 4, chapter 118, Laws of 1973 and RCW 72.41.040; amending section 8, chapter 118, Laws of 1973 and RCW 72.41.080; amending section 1, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.010; amending section 4, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.040; amending section 8, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.080; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005; amending section 3, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.620; amending section 10, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.043; amending section 3, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.550; amending section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010; amending section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020; amending section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230; amending section 3, chapter 81, Laws of 1970 ex. sess. as amended by section 1, chapter 134, Laws of 1972 ex. sess. and RCW 82.04.385; amending section 84.36.040, chapter 15, Laws of 1961 as last amended by section 3, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.040; amending section 1, chapter 81, Laws of 1970 ex. sess. as amended by section 1, chapter 3, Laws of 1975 1st ex. sess. and RCW 84.36.350; amending section 2, chapter 81, Laws of 1970 ex. sess. and RCW 84.36.353; creating new sections; adding a new section to chapter 14, Laws of 1975 1st ex. sess. and to chapter 9.79 RCW; adding a new section to chapter 9.95 RCW; adding a new section to chapter 10.58 RCW; adding a new section to chapter 10.64 RCW; adding a new section to chapter 13.04 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.13 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.70 RCW; adding a new section to chapter 9, Laws of 1965 and to chapter 29.51 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.63 RCW; adding a new section to chapter 217, Laws of 1973 1st ex. sess. and to chapter 43.83D RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.83D RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 70.58 RCW; adding new sections to Title 71 RCW as a new chapter thereof to be known as chapter 71.14 RCW; adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW; repealing sections 1, 2, 3, 4 and 5, chapter 78, Laws of 1975 1st ex. sess. and RCW 28A.03.300, 28A.03.310 and 28A.03.320; repealing section 5, chapter 82, Laws of 1967 and RCW 70.83.050; repealing section 11, chapter 141, Laws of 1969 and RCW 70.84.900; repealing section 72.05.010,

chapter 28, Laws of 1959 and RCW 72.05.010; repealing section 72.05.020, chapter 28, Laws of 1959, section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05-.020; repealing section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080; repealing sections 1, 2 and 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33-830, 72.33.840 and 72.33.850; repealing section 72.40.080, chapter 28, Laws of 1959, section 99, chapter 176, Laws of 1969 ex. sess., section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080; repealing section 72.40.100, chapter 28, Laws of 1959, section 100, chapter 176, Laws of 1969 ex. sess., section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100; and repealing section 1, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2920, by Senator Ridder:

AN ACT Relating to labor relations; enacting a state labor-management relations act; amending section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150; amending section 1, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.005; amending section 1, chapter 5, Laws of 1975 2nd ex. sess. and RCW 41.58.010; amending section 2, chapter 5, Laws of 1975 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.015; amending section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020; amending section 7, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.050; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2921, by Senators Grant, Murray and Gould:

AN ACT Relating to educational employment relations; and amending section 9, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.080.

Referred to Committee on Education.

SENATE BILL NO. 2922, by Senator Hayner:

AN ACT Relating to criminal procedure; and amending section 772, Code of 1881 as amended by section 60, chapter 249, Laws of 1909 and RCW 10.46.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2923, by Senator Sellar:

AN ACT Relating to cities; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2924, by Senators Henry, Beck, Bottiger, Peterson, Keefe, Sellar, Wanamaker and Talley:

AN ACT Relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices; renaming Title 47 RCW and adding certain code chapters thereto; amending section 1, chapter ... (HB 174), Laws of 1977 and RCW 43.17-.010; amending section 2, chapter ... (HB 174), Laws of 1977 and RCW 43.17.020; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 7, chapter 74, Laws of 1967 and RCW 43.63A.070; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd

ex. sess. and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120; amending section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150; amending section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and



RCW 47.56.030; amending section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250; amending section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254; amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020; amending section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; adding a new section to chapter 1.08 RCW; adding a new section to chapter 14.04 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.01 RCW; adding new sections to Title 47 RCW; creating new sections; repealing section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030; repealing section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040; repealing section 5, chapter 165, Laws of 1947 and RCW 14.04.050; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020; repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2925, by Senator Francis:

AN ACT Relating to privacy; amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030; and defining crimes.

Referred to Judiciary Committee.

SENATE BILL NO. 2926, by Senator Day:

AN ACT Relating to punishment of criminal offenders; adding a new chapter to Title 9 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2927, by Senator von Reichbauer:

AN ACT Relating to abandoned animals; and amending section 1, chapter 190, Laws of 1955 and RCW 16.54.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2928, by Senator Washington:

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 Ways and Means.

SENATE BILL NO. 2929, by Senators Hayner, Donohue and Lewis:

AN ACT Relating to state correctional institutions; and creating new sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2930, by Senators Scott, Donohue and Newschwander:

AN ACT Relating to real property tax exemptions; amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2931, by Senators Walgren and Matson:

AN ACT Relating to cigarette sales; and adding a new section to chapter 286, Laws of 1957 and to chapter 19.91 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2932, by Senator Van Hollebeke:

AN ACT Relating to alcoholic beverages; amending section 3, chapter 67, Laws of 1949 as last amended by section 6, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.180; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2933, by Senators Francis, Clarke, Marsh and Hayner:

AN ACT Relating to the judiciary; creating a new chapter in Title 2 RCW; and providing an effective date contingent upon amendment of the Constitution.

Referred to Judiciary Committee.

SENATE BILL NO. 2934, by Senators Francis and Clarke:

AN ACT Relating to district courts and judges; creating a new chapter in Title 3 RCW; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1855 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881 and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section

1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1, chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3 and 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909 and RCW 3.20.040; repealing section 9, page 224, Laws

of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section 3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 2, page 88, Laws of 1867, section 1938, Code of 1881, sections 2 and 3, page 8, Laws of 1881, section 1, chapter 126, Laws of 1943 and RCW 3.20.100; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020; repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923 and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 1, chapter 299, Laws of 1961, section 1, chapter 42, Laws of 1967 ex. sess. and RCW 3.30.010; repealing section 2, chapter 299, Laws of 1961 and RCW 3.30.020; repealing section 3, chapter 299, Laws of 1961, section 1, chapter 73, Laws of 1971 and RCW 3.30.030; repealing section 4, chapter 299, Laws of 1961 and RCW 3.30.040; repealing section 5, chapter 299, Laws of 1961, section 2, chapter 73, Laws of 1971 and RCW 3.30.050; repealing section 6, chapter 299, Laws of 1961 and RCW 3.30.060; repealing section 7, chapter 299, Laws of 1961, section 3, chapter 73, Laws of 1971 and RCW 3.30.070; repealing section 8, chapter 299, Laws of 1961 and RCW 3.30.080; repealing section 9, chapter 299, Laws of 1961, section 4, chapter 73, Laws of 1971 and RCW 3.30.090; repealing section 10, chapter 299, Laws of 1961, section 5, chapter 110, Laws of 1965 ex. sess., section 1, chapter 66, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1970 ex. sess., section 1, chapter 147, Laws of 1971 ex. sess., section 1, chapter 14, Laws of 1973 1st ex. sess., section 1, chapter 153, Laws of 1975 1st ex. sess. and RCW 3.34.010; repealing section 11, chapter 299, Laws of 1961, section 7, chapter 66, Laws of 1969 ex. sess., section 2, chapter 23, Laws of 1970 ex. sess., section 2, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.020; repealing section 12, chapter 299, Laws of 1961, section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; repealing section 13, chapter 299, Laws of 1961, section 2, chapter 147, Laws of 1971 ex. sess., section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040; repealing section 14, chapter 299, Laws of 1961, section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; repealing section 15, chapter

299, Laws of 1961 and RCW 3.34.060; repealing section 16, chapter 299, Laws of 1961 and RCW 3.34.070; repealing section 17, chapter 299, Laws of 1961 and RCW 3.34.080; repealing section 18, chapter 299, Laws of 1961, section 5, chapter 73, Laws of 1971 and RCW 3.34.090; repealing section 19, chapter 299, Laws of 1961 and RCW 3.34.100; repealing sections 20 through 24, chapter 299, Laws of 1961 and RCW 3.34.110 through 3.34.150; repealing section 25, chapter 299, Laws of 1961 and RCW 3.38.010; repealing section 26, chapter 299, Laws of 1961, section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; repealing section 1, chapter 213, Laws of 1963 and RCW 3.38.022; repealing section 27, chapter 299, Laws of 1961, section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; repealing section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; repealing section 28, chapter 299, Laws of 1961, section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040; repealing section 29, chapter 299, Laws of 1961 and RCW 3.38.050; repealing section 30, chapter 299, Laws of 1961 and RCW 3.38.060; repealing sections 31 through 33, chapter 299, Laws of 1961 and RCW 3.42.010 through 3.42.030; repealing section 34, chapter 299, Laws of 1961, section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; repealing sections 35 through 38, chapter 299, Laws of 1961 and RCW 3.46.010 through 3.46.040; repealing section 39, chapter 299, Laws of 1961, section 2, chapter 33, Laws of 1975 and RCW 3.46.050; repealing sections 40 through 42, chapter 299, Laws of 1961 and RCW 3.46.060 through 3.46.080; repealing section 43, chapter 299, Laws of 1961, section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; repealing sections 44 and 45, chapter 299, Laws of 1961 and RCW 3.46.100 and 3.46.110; repealing section 46, chapter 299, Laws of 1961, section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120; repealing section 47 and 48, chapter 299, Laws of 1961 and RCW 3.46.130 and 3.46.140; repealing section 6, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.145; repealing section 49, chapter 299, Laws of 1961 and RCW 3.46.150; repealing sections 50 through 52, chapter 299, Laws of 1961 and RCW 3.50.010 through 3.50.030; repealing section 53, chapter 299, Laws of 1961, section 1, chapter 35, Laws of 1975-'76 2nd ex. sess. and RCW 3.50.040; repealing sections 54 through 58, chapter 299, Laws of 1961 and RCW 3.50.050 through 3.50.090; repealing section 59, chapter 299, Laws of 1961, section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; repealing section 60 through 78, chapter 299, Laws of 1961 and RCW 3.50.110 through 3.50.290; repealing section 79, chapter 299, Laws of 1961, section 1, chapter 84, Laws of 1969 and RCW 3.50.300; repealing sections 80 through 89, chapter 299, Laws of 1961 and RCW 3.50.310 through 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing sections 91 through 96, chapter 299, Laws of 1961 and RCW 3.50.420 through 3.50.470; repealing section 98, chapter 299, Laws of 1961, section 6, chapter 73, Laws of 1971 and RCW 3.54.010; repealing section 99, chapter 299, Laws of 1961, section 7, chapter 73, Laws of 1971, section 1, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.54.020; repealing section 100, chapter 299, Laws of 1961, section 1, chapter 147, Laws of 1965, section 1, chapter 52, Laws of 1969, section 4, chapter 100, Laws of 1972 ex. sess., section 6, chapter 149, Laws of 1974 ex. sess., section 3, chapter 33, Laws of 1975, section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; repealing section 101, chapter 299, Laws of 1961, section 1, chapter 192, Laws of 1969 ex. sess., section 1, chapter 95, Laws of 1974 ex. sess. and RCW 3.58.020; repealing sections 102 and 103, chapter 299, Laws of 1961 and RCW 3.58.030 and 3.58.040; repealing section 104, chapter 299, Laws of 1961, section 3, chapter 213, Laws of 1963 and RCW 3.58.050; repealing section 105, chapter 299, Laws of 1961 and RCW 3.62.010; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; repealing section 106, chapter 299, Laws of 1961, section 2, chapter 199, Laws of 1969 ex. sess., section 8, chapter 73, Laws

of 1971 and RCW 3.62.020; repealing section 108, chapter 299, Laws of 1961, section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; repealing section 109, chapter 299, Laws of 1961, section 2, chapter 213, Laws of 1963, section 1, chapter 111, Laws of 1969, section 3, chapter 199, Laws of 1969 ex. sess., section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 110, chapter 299, Laws of 1961, section 1, chapter 55, Laws of 1965, section 1, chapter 25, Laws of 1969 and RCW 3.62.060; repealing section 111, chapter 299, Laws of 1961, section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; repealing section 112, chapter 299, Laws of 1961 and RCW 3.66.010; repealing section 113, chapter 299, Laws of 1961, section 1, chapter 95, Laws of 1965 and RCW 3.66.020; repealing sections 114 through 117, chapter 299, Laws of 1961 and RCW 3.66.030 through 3.66.060; repealing section 7, chapter 110, Laws of 1965 ex. sess., section 1, chapter 29, Laws of 1975 and RCW 3.66.065; repealing sections 1 through 3, chapter 75, Laws of 1969 and RCW 3.66.067 through 3.66.069; repealing sections 118 and 119, chapter 299, Laws of 1961 and RCW 3.66.070 and 3.66.080; repealing section 120, chapter 299, Laws of 1961, section 1, chapter 241, Laws of 1967 and RCW 3.66.090; repealing sections 121 and 122, chapter 299, Laws of 1961 and RCW 3.66.100 and 3.66.110; repealing sections 123 through 126, chapter 299, Laws of 1961 and RCW 3.70.010 through 3.70.040; repealing sections 130 and 131, chapter 299, Laws of 1961 and RCW 3.74.010 and 3.74.020; repealing section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; repealing sections 127 through 129, chapter 299, Laws of 1961 and RCW 3.74.900 through 3.74.920; repealing section 132, chapter 299, Laws of 1961 and RCW 3.74.930; repealing section 8, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.931; repealing section 11, chapter 241, Laws of 1967 and RCW 3.74.932; repealing section 4, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.940; repealing section 35.20.010, chapter 7, Laws of 1965, section 4, chapter 33, Laws of 1975 and RCW 35.20.010; repealing section 35.20.020, chapter 7, Laws of 1965 and RCW 35.20.020; repealing section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030; repealing section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040; repealing section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050; repealing section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060; repealing section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070; repealing section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080; repealing section 35.20.090, chapter 7, Laws of 1965, section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090; repealing section 35.20.100, chapter 7, Laws of 1965, section 2, chapter 241, Laws of 1967, section 1, chapter 147, Laws of 1969 ex. sess., section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100; repealing section 2, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.105; repealing section 35.20.110, chapter 7, Laws of 1965 and RCW 35.20.110; repealing section 35.20.120, chapter 7, Laws of 1965 and RCW 35.20.120; repealing section 3, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.131; repealing section 35.20.140, chapter 7, Laws of 1965 and RCW 35.20.140; repealing section 35.20.150, chapter 7, Laws of 1965, section 7, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 35.20.150; repealing section 35.20.160, chapter 7, Laws of 1965, section 3, chapter 147, Laws of 1965 and RCW 35.20.160; repealing section 35.20.170, chapter 7, Laws of 1965 and RCW 35.20.170; repealing section 35.20.180, chapter 7, Laws of 1965 and RCW 35.20.180; repealing section 35.20.190, chapter 7, Laws of 1965, section 4, chapter 241, Laws of 1967 and RCW 35.20.190; repealing section 35.20.200, chapter 7, Laws of 1965, section 2, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.200; repealing section 1, chapter 214, Laws of 1975 1st ex. sess. and RCW 35.20.205; repealing section 35.20.210, chapter 7, Laws of 1965, section 4, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.210; repealing section 35.20.220, chapter 7, Laws of 1965, section

5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220; repealing section 35.20.230, chapter 7, Laws of 1965, section 6, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.230; repealing section 35.20.240, chapter 7, Laws of 1965 and RCW 35.20.240; repealing section 35.20.250, chapter 7, Laws of 1965, section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250; repealing section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255; repealing section 35.20.260, chapter 7, Laws of 1965 and RCW 35.20.260; repealing section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; repealing section 35.20.910, chapter 7, Laws of 1965 and RCW 35.20.910; repealing section 11, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.920; repealing section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420; repealing section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430; repealing section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440; repealing section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460; repealing section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480; repealing section 5, chapter 241, Laws of 1967 and RCW 35.22.485; repealing section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490; repealing section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500; repealing section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510; repealing section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520; repealing section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530; repealing section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540; repealing section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; repealing section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560; repealing section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590; repealing section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600; repealing section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610; repealing section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620; repealing section 6, chapter 241, Laws of 1967 and RCW 35.23.625; repealing section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630; repealing section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640; repealing section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650; repealing section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660; repealing section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670; repealing section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section 11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450; repealing section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460; repealing section 8, chapter 241, Laws of 1967 and RCW 35.24.465; repealing section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470; repealing section 1, chapter 108, Laws of 1965 and RCW 35.24.480; repealing section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520; repealing section 2, chapter 108, Laws of 1965 and RCW 35.27.525; repealing section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530; repealing section 9, chapter 241, Laws of 1967 and RCW 35.27.535; repealing section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540; repealing sections 35A.20.010 through 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010 through 35A.20.150; and providing an effective date contingent upon amendment of the state Constitution.

Referred to Judiciary Committee.

SENATE BILL NO. 2935, by Senators Francis and Clarke:

AN ACT Relating to superior courts; adding new sections to chapter 2.08 RCW; and providing an effective date contingent upon amendment of the state Constitution.

Referred to Judiciary Committee.

SENATE BILL NO. 2936, by Senators Francis, Clarke, Marsh and Hayner:

AN ACT Relating to superior court jurisdiction; adding a new section to chapter 2.08 RCW; repealing section 5, page 342, Laws of 1890, section 3, chapter 38, Laws of 1955 and RCW 2.08.010; repealing section 6, page 343, Laws of 1890 and RCW 2.08.020; and providing an effective date contingent upon amendment of the state Constitution.

Referred to Judiciary Committee.

SENATE BILL NO. 2937, by Senators Francis and Clarke:

AN ACT Relating to nonpartisan elections; amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150; and providing an effective date contingent upon amendment of the state Constitution.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2938, by Senators Francis, Marsh and Jones:

AN ACT Relating to compensation to victims of crimes; amending section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.010; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020; amending section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050; amending section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070; amending section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075; amending section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110; amending section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130; adding new sections to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2939, By Senator Day:

AN ACT Relating to podiatrists; amending section 1, chapter 38, Laws of 1917 as last amended by section 1, chapter 77, Laws of 1973 and RCW 18.22.010; amending section 8, chapter 149, Laws of 1955 as amended by section 12, chapter 77, Laws of 1973 and RCW 18.22.140; adding new sections to chapter 18.22 RCW; and defining crimes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2940, by Senators McDermott, Francis, Murray, Gaspard, Bluechel, Walgren and Fleming:

AN ACT Relating to the support of government, state and local; providing for the planning, acquisition, construction, remodeling, improvement, excavation, conservation, restoration, preservation and redevelopment of state-wide visual and performing arts and museum facilities, and preservation of historical features, including grants therefor; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.



**SENATE BILL NO. 2941, by Senator Sellar:**

AN ACT Relating to public utility districts; amending section 2, chapter 265, Laws of 1959 and RCW 54.40.010; amending section 3, chapter 265, Laws of 1959 and RCW 54.40.020; amending section 4, chapter 265, Laws of 1959 and RCW 54.40.030; amending section 5, chapter 265, Laws of 1959 and RCW 54.40.040; amending section 6, chapter 265, Laws of 1959 and RCW 54.40.050; amending section 7, chapter 265, Laws of 1959 and RCW 54.40.060; amending section 8, chapter 265, Laws of 1959 and RCW 54.40.070; and amending section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010.

Referred to Committee on Local Government.

**SENATE BILL NO. 2942, by Senators Cunningham, Day and Buffington:**

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

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2943, by Senators Morrison, Mardesich, Matson and Murray:**

AN ACT Relating to unemployment compensation; amending section 68, chapter 35, Laws of 1945 as last amended by section 6, chapter 73, Laws of 1973 and RCW 50.20.010; 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; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; 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 7, chapter 3, Laws of 1971 and RCW 50.04.116; amending section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150; amending section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160; amending section 28, chapter 35, Laws of 1945 and RCW 50.04.270; amending section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300; amending section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010; amending section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160; amending section 11, chapter 2, Laws of 1970 ex. sess. as amended by section 6, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.29.020; amending section 19, chapter 3, Laws of 1971 and RCW 50.44.020; 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; amending section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040; amending section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 and RCW 50.44.060; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090; amending section 76, chapter 35, Laws of 1945 as last amended by section 1, chapter 321, Laws of 1959 and RCW 50.20.080; adding new sections to chapter 35, Laws of 1945 and to chapter 50.04 RCW; adding new sections to chapter 50.20 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 3, Laws of 1971 and to

chapter 50.44 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.98 RCW; creating new sections; repealing section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200; repealing section 26, chapter 35, Laws of 1945 and RCW 50.04.250; repealing section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260; providing an effective date; and making an appropriation.

Referred to Committee on Labor.

SENATE BILL NO. 2944, by Senators Sellar, Hayner, Morrison, Matson and Murray:

AN ACT Relating to unemployment compensation; amending section 68, chapter 35, Laws of 1945 as last amended by section 6, chapter 73, Laws of 1973 and RCW 50.20.010; 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; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; 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 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090; amending section 76, chapter 35, Laws of 1945 as last amended by section 1, chapter 321, Laws of 1959 and RCW 50.20.080; adding new sections to chapter 50.20 RCW; adding a new section to chapter 50.24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Labor.

SENATE BILL NO. 2945, by Senators Scott and Bluechel:

AN ACT Relating to revenue and taxation; amending section 82.04.230, chapter 15, Laws of 1961 as last amended by section 2, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270; amending section 82.04.275, chapter 15, Laws of 1961 as amended by section 12, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.275; amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW; adding a new

title to the Revised Code of Washington; creating new sections; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2946, by Senator Lewis:

AN ACT Relating to outdoor recreation; and adding new sections to chapter 43.99 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2947, by Senators Donohue, Benitz, Mardesich and Matson:

AN ACT Relating to water resources; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 2948, by Senator Wanamaker:

AN ACT Relating to tourism; creating new sections; and making an appropriation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2949, by Senators Bottiger, Newschwander and Henry:

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030; creating a new section; and providing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2950, by Senators Jones, Donohue, Scott, Day, Benitz, Clarke, Matson, Mardesich, Wanamaker, Bluechel and Hayner:

AN ACT Relating to the creation of the comprehensive retirement system; adding a new chapter to Title 41 RCW; adding a new section to chapter 2.10 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 51.52 RCW; defining crimes; providing penalties; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2951, by Senator Francis:

AN ACT Relating to probation; and adding new sections to chapter 9.95 RCW

Referred to Judiciary Committee.

SENATE BILL NO. 2952, by Senators Gould and McDermott:

AN ACT Relating to education; amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.090; 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. 2953, by Senators Donohue, Murray, Bottiger, Mardesich, Matson and Hayner:

AN ACT Relating to environmental policy; 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. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080; amending section 3, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.090; adding new sections to chapter 43.21C RCW; repealing section 4, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.100; repealing section 5, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.105; repealing section 6, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.110; repealing section 8,

chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.120; and repealing section 1, chapter 99, Laws of 1975-'76 2nd ex. sess. and RCW 43.21C.135.

Referred to Committee on Ecology.

**SENATE BILL NO. 2954**, by Senators Ridder and Wojahn:

AN ACT Relating to engineers and land surveyors; amending section 1, chapter 283, Laws of 1947 and RCW 18.43.010; amending section 2, chapter 283, Laws of 1947 and RCW 18.43.020; amending section 3, chapter 283, Laws of 1947 as amended by section 37, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.43.030; amending section 1, chapter 297, Laws of 1959 as amended by section 1, chapter 142, Laws of 1961 and RCW 18.43.035; amending section 7, chapter 283, Laws of 1947 and RCW 18.43.040; amending section 8, chapter 283, Laws of 1947 as amended by section 46, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.050; amending section 9, chapter 283, Laws of 1947 as amended by section 2, chapter 142, Laws of 1961 and RCW 18.43.060; amending section 10, chapter 283, Laws of 1947 as amended by section 4, chapter 297, Laws of 1959 and RCW 18.43.070; amending and reenacting section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 23, Laws of 1975 and section 47, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.080; amending section 2, chapter 297, Laws of 1959 as amended by section 4, chapter 142, Laws of 1961 and RCW 18.43.105; amending section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110; amending section 15, chapter 283, Laws of 1947 and RCW 18.43.120; amending section 16, chapter 283, Laws of 1947 as last amended by section 50, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.130; amending section 3, chapter 297, Laws of 1959 and RCW 18.43.140; amending section 3, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.150; amending section 19, chapter 283, Laws of 1947 and RCW 18.43.900; adding new sections to chapter 18.43 RCW; repealing section 13, chapter 283, Laws of 1947, section 6, chapter 297, Laws of 1959, section 48, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.100; and prescribing penalties.

Referred to Committee on Commerce.

**SENATE BILL NO. 2955**, by Senator Francis:

AN ACT Relating to personal exemptions.

Referred to Judiciary Committee.

**SENATE BILL NO. 2956**, by Senator Henry:

AN ACT Relating to outdoor advertising.

Referred to Committee on Transportation.

**SENATE BILL NO. 2957**, by Senator Bottiger:

AN ACT Relating to gambling.

Referred to Judiciary Committee.

**SENATE BILL NO. 2958**, by Senator Francis:

AN ACT Relating to courts of limited jurisdiction.

Referred to Judiciary Committee.

**SENATE BILL NO. 2959**, by Senator North:

AN ACT Relating to Day Care; and adding a new section to chapter 74.12 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2960**, by Senator Francis:

AN ACT Relating to parentage.

Referred to Judiciary Committee.

SENATE BILL NO. 2961, by Senator Francis:  
AN ACT Relating to small claims courts.  
Referred to Judiciary Committee.

SENATE BILL NO. 2962, by Senator North:  
AN ACT Relating to Day Care; and adding a new section to chapter 74.13  
RCW.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2963, by Senator North:  
AN ACT Relating to day care; and adding a new section to chapter 74.15  
RCW.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2964, by Senator Newschwander:  
AN ACT Relating to revenue and taxation; and creating new sections.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2965, by Senator Newschwander:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2966, by Senator Francis:  
AN ACT Relating to criminal procedure.  
Referred to Judiciary Committee.

SENATE BILL NO. 2967, by Senator Wanamaker:  
AN ACT Relating to boating registration.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2968, by Senator Francis:  
AN ACT Relating to crimes.  
Referred to Judiciary Committee.

SENATE BILL NO. 2969, by Senator Francis:  
AN ACT Relating to electronic surveillance.  
Referred to Judiciary Committee.

SENATE BILL NO. 2970, by Senators Scott and Sandison:  
AN ACT Relating to postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2971, by Senator Francis:  
AN ACT Relating to juvenile courts.  
Referred to Judiciary Committee.

SENATE BILL NO. 2972, by Senator Francis:  
AN ACT Relating to criminal sentencing.  
Referred to Judiciary Committee.

SENATE BILL NO. 2973, by Senator Francis:  
AN ACT Relating to courts.  
Referred to Judiciary Committee.

SENATE BILL NO. 2974, by Senator Francis:  
AN ACT Relating to civil procedure.  
Referred to Judiciary Committee.

SENATE BILL NO. 2975, by Senators Bluechel, Gould, Murray, Goltz and  
Hayner:  
AN ACT Relating to the liability of ski resort operators.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2976, by Senator Washington:  
AN ACT Relating to the Washington State Teachers' Retirement System.  
Referred to Committee on Education.

SENATE BILL NO. 2977, by Senator Matson:  
AN ACT Relating to unemployment compensation.  
Referred to Committee on Labor.

SENATE BILL NO. 2978, by Senator Matson:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2979, by Senator Matson:  
AN ACT Relating to appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2980, by Senator Grant:  
AN ACT Relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2981, by Senator Grant:  
AN ACT Relating to the public disclosure commission.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2982, by Senators Scott and North:  
AN ACT Relating to family planning; and adding a new section to chapter  
43.20A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2983, by Senator Francis:  
AN ACT Relating to child support.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2984, by Senator Matson:  
AN ACT Relating to industrial insurance.  
Referred to Committee on Labor.

SENATE BILL NO. 2985, by Senator Matson:  
AN ACT Relating to the horse racing commission.  
Referred to Committee on Commerce.

SENATE BILL NO. 2986, by Senator Matson:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2987, by Senator Francis:  
AN ACT Relating to privacy.  
Referred to Judiciary Committee.

SENATE BILL NO. 2988, by Senator Goltz:  
AN ACT Relating to classified service personnel of institutions of higher edu-  
cation; and adding a new section to chapter 36, Laws of 1969 ex. sess. and to chap-  
ter 28B.16 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2989, by Senator Francis:  
AN ACT Relating to usury; and amending section 3, chapter 23, Laws of 1967  
ex. sess. and RCW 19.52.034.

Referred to Judiciary Committee.

SENATE BILL NO. 2990, by Senator Francis:

AN ACT Relating to gambling; and adding a new section to chapter 9.46 RCW.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2990 was referred to the Committee on Commerce.

SENATE BILL NO. 2991, by Senator Mardesich:

AN ACT Relating to property revaluation; amending section 84.41.050, chapter 15, Laws of 1961 and RCW 84.41.050; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; 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; and adding a new section to chapter 84.41 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2992, by Senators Talley, Sellar and Buffington:

AN ACT Relating to business corporations; amending section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075; adding a new section to chapter 23A.40 RCW; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2993, by Senators Talley, Sellar and Buffington:

AN ACT Relating to business corporations; amending section 13, chapter 53, Laws of 1965 as amended by section 1, chapter 190, Laws of 1967 and RCW 23A.08.100; amending section 16, chapter 53, Laws of 1965 as amended by section 5, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.130; amending section 51, chapter 53, Laws of 1965 as last amended by section 1, chapter 71, Laws of 1973 and RCW 23A.08.480; amending section 56, chapter 53, Laws of 1965 and RCW 23A.12.030; amending section 63, chapter 53, Laws of 1965 and RCW 23A.16.040; amending section 64, chapter 53, Laws of 1965 as amended by section 4, chapter 190, Laws of 1967 and RCW 23A.16.050; amending section 66, chapter 53, Laws of 1965 as amended by section 5, chapter 190, Laws of 1967 and RCW 23A.16.070; amending section 67, chapter 53, Laws of 1965 and RCW 23A.16.080; amending section 69, chapter 53, Laws of 1965 and RCW 23A.16.100; amending section 70, chapter 53, Laws of 1965 and RCW 23A.16.110; amending section 71, chapter 53, Laws of 1965 and RCW 23A.16.120; amending section 76, chapter 53, Laws of 1965 and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as amended by section 4, chapter 38, Laws of 1971 ex. sess. and RCW 23A.20.050; amending section 84, chapter 53, Laws of 1965 and RCW 23A.28.010; amending section 85, chapter 53, Laws of 1965 and RCW 23A.28.020; amending section 86, chapter 53, Laws of 1965 and RCW 23A.28.030; amending section 87, chapter 53, Laws of 1965 and RCW 23A.28.040; amending section 90, chapter 53, Laws of 1965 and RCW 23A.28.070; amending section 91, chapter 53, Laws of 1965 and RCW 23A.28.080; amending section 92, chapter 53, Laws of 1965 and RCW 23A.28.090; amending section 94, chapter 53, Laws of 1965 and RCW 23A.28.110; amending section 95, chapter 53, Laws of 1965 and RCW 23A.28.120; amending section 137, chapter 53, Laws of 1965 and RCW 23A.40.040; and declaring an emergency.

Referred to Committee on Local Government.

**SENATE BILL NO. 2994, Senators Donohue and Marsh:**

AN ACT Relating to revenue and taxation; adding new sections to chapter 15, Laws of 1961 and to chapter 82.32 RCW; repealing section 82.32.330, chapter 15, Laws of 1961, section 10, chapter 28, Laws of 1963 ex. sess., section 1, chapter 104, Laws of 1969 ex. sess. and RCW 82.32.330; and prescribing penalties.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2995, by Senators Donohue and Rasmussen:**

AN ACT Relating to boundaries and plats; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; and adding a new section to Title 58 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 2996, by Senators Talley, Jones and Buffington:**

AN ACT Relating to harness racing.

Referred to Committee on Commerce.

**SENATE BILL NO. 2997, by Senators Francis and Herr:**

AN ACT Relating to labor; amending section 1, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.005; amending section 43.22.280, chapter 8, Laws of 1965 as last amended by section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280; amending section 8, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.105; amending section 17, chapter 174, Laws of 1913 as amended by section 16, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.170; adding new sections to chapter 49.12 RCW; repealing section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185; and prescribing penalties.

Referred to Committee on Labor

**SENATE BILL NO. 2998, by Senators Bailey, Grant and Herr:**

AN ACT Relating to industrial welfare; amending section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor

**SENATE BILL NO. 2999, by Senators Francis, Grant and Herr:**

AN ACT Relating to hours of labor; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor.

**SENATE JOINT MEMORIAL NO. 108, by Senators Gaspard, Day, Wanamaker, Benitz and Wilson:**

Requesting a reduction in federal supervision of the state grain inspection program.

Referred to Committee on Agriculture.

**SENATE JOINT RESOLUTION NO. 123, by Senator Scott:**

Revising state tax structure.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 45, by Representatives Flanagan, Hansen, Amen, Oliver and Patterson:**

Extending the filing date of liens on crops.

Referred to Committee on Agriculture.



ENGROSSED HOUSE BILL NO. 146, by Representatives McKibbin, Zimmerman, Heck, Bauer, Boldt and Charnley:

Authorizing bus transit service by agreement with a public transportation agency of a contiguous state.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 194, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Extending the definition of the "funds" of a mutual savings bank.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 200, by Committee on State Government (originally sponsored by Representatives Sommers, Nelson (Dick), Ehlers and Lux):

Increasing the petty cash account limit.

Referred to Committee on State Government.

HOUSE BILL NO. 208, by Representatives Smith, Salatino, Knedlik, Erickson, Nelson (Gary), North, Enbody and Leckenby:

Providing attorneys' fees for the prevailing party in contract and lease dispute.

Referred to Judiciary Committee.

HOUSE BILL NO. 229, by Representative Hurley (Margaret) (by Parks and Recreation Commission request):

Permitting longer concessions and leases in state parks.

Referred to Committee on Parks and Recreation.

SUBSTITUTE HOUSE BILL NO. 255, by Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson):

Granting irrigation and port districts the power to designate their own treasurers.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 275, by Representatives Martinis, Wilson and Moreau:

Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 285, by Representatives O'Brien and Hurley (Margaret):

Renaming Sun Lakes State Park to Victor Aloysius Meyers State Park.

Referred to Committee on Parks and Recreation.

HOUSE JOINT RESOLUTION NO. 21, by Representatives Fortson, Patterson and Sommers (by State Auditor request):

Amending the Constitution to allow audits of the judicial branch.

Referred to Committee on Constitutions and Elections.

There being no objection, additional sponsors were permitted on Senate Bills 2910, 2924, 2933, 2936, 2940, 2943, 2944, 2947, 2950, 2953, 2975, Senate Joint Memorial 108.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 18, 1977.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 2056, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

At 3:17 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Monday, February 21, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 21, 1977.

The Senate was called to order at 10:30 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Grant, North, Scott and Woody. On motion of Senator Jones, Senator North was excused. On motion of Senator Odegaard, Senators Fleming, Grant and Woody were excused.

The Color Guard, consisting of Pages Grace Bell and David Ridder, presented the Colors. Reverend Paul J. Beeman, pastor of the United Methodist Church of Olympia, offered the following prayer:

"TODAY WE REMEMBER GEORGE WASHINGTON, IF NOT THE PATRON SAINT, THEN AT LEAST THE PATRON STATESMAN OF OUR STATE. WE RECALL THE FAMOUS LINE FROM HIS CHILDHOOD, 'FATHER, I CANNOT TELL A LIE. I CUT DOWN THE CHERRY TREE WITH MY LITTLE HATCHET'.

"LESS KNOWN IS A QUOTATION FROM WASHINGTON'S MANHOOD, WRITTEN IN RULES OF CIVILITY AND DECENT BEHAVIOR. THERE WASHINGTON SAID, 'LABOR TO KEEP ALIVE IN YOUR BREST THAT LITTLE SPARK OF CELESTIAL FIRE CALLED CONSCIENCE'.

"LET US PRAY — O GOD, GRANT THAT THOSE QUALITIES POSSESSED BY GEORGE WASHINGTON, QUALITIES OF TRUTHFULNESS, OF SOUND JUDGMENT, AND 'THAT LITTLE SPARK OF CELESTIAL FIRE CALLED CONSCIENCE', MAY BE THE BIRTHRIGHT OF THESE SENATORS, AND OF ALL OUR CITIZENS TODAY. IN THE MASTER'S NAME. SO BE IT."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 18, 1977.

SENATE BILL NO. 2125, requiring railway bridges to have walkways (reported by Committee on Transportation):

MAJORITY recommendation: That Senate Bill No. 2125 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2199, making more specific the degree of alcoholism which prevents a person from getting a driver's license (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1977.

SENATE BILL NO. 2207, withholding salary warrants of department of social and health services management personnel until timely payment is made to all vendors for personal services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Cunningham, North, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1977.

SENATE BILL NO. 2336, giving the state finance committee full authority to invest retirement funds (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2336 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 18, 1977.

SENATE BILL NO. 2437, enacting the interstate compact for school bus safety (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2500, creating state route 285 (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 18, 1977.

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

DEAN R. FOSTER, Chief Clerk.

February 18, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 102,

ENGROSSED HOUSE BILL NO. 129,

HOUSE BILL NO. 130,

HOUSE BILL NO. 135,

HOUSE BILL NO. 230,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323,

ENGROSSED HOUSE BILL NO. 414, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 18, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 110, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 18, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2561, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 102, by Committee on Revenue (originally sponsored by Representatives McKibbin, Nelson (Gary) and Sommers):

Providing for highway permits and property taxes on mobile homes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 129, by Representatives Amen, Flanagan, Shinpoch, Tilly, Thompson, Polk, Knedlik, Bond, Clayton, Fuller, Greengo, Lee, Sanders, Taller and Zimmerman:

Requiring fiscal impact statements on proposed legislation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 130, by Representatives Erickson, Clemente, Lux, Chandler, Gaines, Grier, Grimm, Heck, Lee, Sherman and Walk:

Exempting fire districts from the 106 percent property tax limitation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 135, by Representatives Amen, Shinpoch, Flanagan, Polk, Knedlik and Oliver (by Legislative Budget Committee request):

Repealing certain obsolete laws relating to reclamation.

Referred to Committee on Agriculture.

HOUSE BILL NO. 230, by Representative North and Lee (by Parks and Recreation Commission request):

Revising the penalty for a winter recreational parking violation.

Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, by Committee on Financial Institutions (originally sponsored by Representatives Sommers, Pardini, Eng, Polk, Burns, Deccio, Lux, Douthwaite, Taller, O'Brien and Maxie):

Regulating lending practices of financial institutions.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 414, by Representatives Tilly and Smith (by Judicial Council request):

Modifying the collection of jury costs.

Referred to Judiciary Committee.

HOUSE CONCURRENT RESOLUTION NO. 23, by Representative King: Rescheduling memorial services for deceased members.

### MOTIONS

On motion of Senator Walgren, House Concurrent Resolution No. 23 was advanced to second reading and read the second time in full.

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

### MOTIONS

On motion of Senator Walgren, the Committee on State Government was relieved from further consideration of House Bill No. 135.

On motion of Senator Walgren, House Bill No. 135 was referred to the Committee on Agriculture.

At 10:47 a.m., on motion of Senator Bailey, the Senate recessed until 11:40 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:40 a.m.

### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess and appointed Senators Bausch, Matson, Donohue and Benitz as a committee of honor to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Dorothy Crask to address the Senate.

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

### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2342.

On motion of Senator Jones, Senator Scott was excused.

### SECOND READING

SENATE BILL NO. 2342, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Prohibiting the acquisition or possession of a hunting or fishing license using false information or after revocation.

The bill was read the second time by sections.

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

On page 1, line 13, after "document" and before the period insert "for such period of time as determined by a court or by the commission in accordance with the provisions of Title 77 RCW and the regulations promulgated by the commission"

On motion of Senator Peterson, Engrossed Senate Bill No. 2342 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 Peterson yield? Senator, I am not an attorney, but I am wondering, subsection 1, would that not read better if it was, 'by willfully using false information'? Someone could inadvertently use that."

Senator Peterson: "Well, I would say that would be unnecessary and superfluous language because this only pertains to those persons that have already been convicted of a violation and they certainly know that they have lost their license."

Senator Fleming: "And by this you are saying that if they have already been convicted and they apply again with false information before the license has been reinstated, then that—it should be considered unlawful. Is that what you are saying?"

Senator Peterson: "It is unlawful to reapply. Right."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2342, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Grant, North, Scott, Woody—4.

ENGROSSED SENATE BILL NO. 2342, having received the constitutional majority, was declared passed. 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. 2172.

#### SECOND READING

SENATE BILL NO. 2172, by Senators Talley, Day and Buffington:

Licensing acupuncturists.

The Senate resumed consideration of Senate Bill No. 2172. On February 18, 1977, the committee amendments were adopted.

On motion of Senator Day, Engrossed Senate Bill No. 2172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President, would Senator Day yield to a question? Senator Day, you just said that this does not broaden the practice of acupuncture."

Senator Day: "Correct."

Senator Cunningham: "It was my understanding that presently acupuncture in the state is limited to only under the direct supervision of a licensed physician."

Senator Day: "That is right."

Senator Cunningham: "And this does not continue that?"

Senator Day: "It continues that, but it also establishes some standards relative to their certification and says specifically what board shall set those standards."

Senator Cunningham: "Senator Day, as I recall the testimony on this bill in committee, the criteria for setting the acceptance was questioned by those testifying on the bill as to their being in these other countries, no consistency in licensing."

Senator Day: "That is right, and if you will note that the committee's amendment did not mandate that they accept standards from other countries. It only said

that they should consider those who have been certified, and then they can make the judgment and they will set the standards. 'They' meaning the board."

Senator Cunningham: "Well, Senator Day, just to continue the question, in looking at the bill, I still do not see where it says specifically that—now these are not doctors that are going to be practicing acupuncture. These are—technically have no training at all and they are going to be able to practice this for other than just an anesthetic. I don't see where it specifies that this has to be under the direct supervision of a licensed physician."

Senator Day: "Well, of course, here again, what we did when we authorized physician's assistants, is that we authorized the medical boards, i.e., the medical board and the osteopathic board, to authorize physician's assistants to do certain things which they, the board, said they were qualified to do.

"Now, all this bill does is to mandate that they have certain standards and criteria for the authorization of acupuncturists. Now, the osteopathic board is already doing this. They are already doing this, so all this bill really does is to say that there has to be certain criteria in the process, and so I think, in so doing, that what we have done is to say to the board, 'we want you to continue what you are doing except we want to be certain there are certain qualifications in the process.'"

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2172, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Guess, Henry, Herr, Jones, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Washington, Wojahn—33.

Voting nay: Senators Cunningham, Gould, Hayner, Keefe, Lewis, Mardesich, Newschwander, Sandison, Sellar, Walgren, Wanamaker, Wilson—12.

Excused: Senators Grant, North, Scott, Woody—4.

ENGROSSED SENATE BILL NO. 2172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

February 21, 1977.

SENATE BILL NO. 2620, relating to emergency use of water (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2620 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Marsh, Matson, Morrison, Newschwander, Walgren, Washington.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2620 was advanced to second reading and placed on today's second reading calendar.



REPORT OF STANDING COMMITTEE

February 21, 1977.

SENATE BILL NO. 2632, relating to water distribution projects (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2632 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Marsh, Matson, Morrison, Walgren, Washington.

MOTION

On motion of Senator Walgren, Senate Bill No. 2632 was advanced to second reading and placed on today's second reading calendar.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

Office of the Governor, February 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Paul Roberts, appointed February 3, 1977, for a term ending September 8, 1979, succeeding Robert E. Arkell as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to the Committee on Labor.

MOTION

At 12:12 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2085.

SECOND READING

SENATE BILL NO. 2085, by Senators Washington, Guess and Goltz:  
Designating regional universities.

The Senate resumed consideration of Senate Bill No. 2085 as amended on February 17, 1977.

MOTION

Senator Morrison moved that Senate Bill No. 2085 be referred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Senator Donohue, I wonder if I could ask a question while I am still on the floor? Would it assist you to say leave the bill on the floor one more day so that we can point out, I think more accurately to you, that there cannot be a substantial impact. I am sure Senator Goltz would be very happy to leave the bill on the calendar until tomorrow, until we can solve this particular point, because I believe the fears that are raised that Senator Goltz, myself and others can probably convince you that this does not have a financial impact."

Senator Donohue: "I just think that it fits in very closely with the problem we have relative to tuition and fees. I am also concerned with the fees as it relates to the changes that were made in RCW 28B.15.041, the services and activities fees, as defined, which are amended in section 33 of this bill, and that is the reference to state colleges, and reflecting them as universities. But the problem that in the two statutes, chapter 46 and 130, the first extraordinary session of 1973, both define services and activities fees, and the definitions are set in section 33, is a reconstruction of both of these.

"Now, what we are concerned about, and we talked to staff about it, one of the things is what reflection will this have on bonded indebtedness today? Are we going to have to make some changes relative to our bonding provisions, and I think that it could go right along with our tuition fee bill, and maybe Senator Sandison has some remarks to make relative to this, but I think it is part of it. It is a decision we have to make as to funding, as to the bonding problem and so forth, so I would like to see it move. I think we can work on it a lot quicker if it gets up there."

Senator Washington: "Mr. President, thank you, Senator Donohue."

Further debate ensued.

#### MOTION

Senator Mardesich moved that the motion by Senator Morrison be amended to read 'Senate Bill No. 2085 be referred to the Committee on Ways and Means with instructions to report back in due time with recommendations.'

Debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "I wonder if Senator Mardesich would yield to a question. Senator Mardesich, I would like to know whether due time would be in the range of five to ten days."

Senator Mardesich: "Mr. President, I have no specific time period in mind, nor do I know what the availability of staff is to study the problem. The intention I had in mind was that due time meant something between today and such time as it would be impossible to pass this bill. What I am saying is that I think it should come out in due time for us to act."

#### MOTION

Senator Washington moved that Senate Bill No. 2085 be held on the second reading calendar for February 22, 1977.

#### POINT OF ORDER

Senator Clarke: "Point of order, Mr. President. I think those motions are of equal rank."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

## POINT OF INQUIRY

Senator Day: "Would Senator Donohue yield? Senator Donohue, I have a deep appreciation for the problems of ways and means, particularly this session, in holding the line on costs. However, I am also reminded of numerous bills that have come on the floor where there is a particular expertise involved that we do not all have. I wonder if you could give us some kind of an indication of when you could give us a judgment on this bill, when we might expect to have it back on the floor."

Senator Donohue: "It probably won't be this week because the ways and means is tied up every day, as all members of ways and means know, with the agencies, but I intend to address this bill at the same time we address the tuition and fee bill. Senator Sandison and I both agree that most of the members on the higher education committee, with the exception of Senator Guess and Senator Goltz, and they will be there I am sure. We will address this thing at one time, and I don't know—we have not got together yet, on exactly what day we want to have that joint meeting, but as soon as possible"

Senator Day: "Within approximately two weeks, would you say?"

Senator Donohue: "I would say approximately."

## POINT OF INQUIRY

Senator Walgren: "Would Senator Donohue yield? Senator Donohue, I assume that you are aware that we have a closeout resolution with regard to Senate bills?"

Senator Donohue: "I am."

Senator Walgren: "Two weeks from now would be too late to consider this bill, would it not, during this session?"

Senator Donohue: "I suppose that is right."

Senator Walgren: "Would you be willing to have the bill come out, say, Friday morning, Senator Donohue?"

Senator Donohue: "Well, Friday morning, I don't know exactly what day it is going to come out. You are a member of ways and means, Senator, and you know that we have scheduled, and you are one of those people who has insisted that we schedule ahead of time for at least five days. Now, if the body would like to have us change that criteria, then I assume that that would be up to the judgment of the body."

Senator Walgren: "Well, I appreciate that very much, Senator Donohue, and your desire to have these scheduled in advance five days even though we don't have any rules going at this present time. But you do agree that if it came out after Friday, we probably would not be able to consider this bill this session."

## PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, in view of the fact that appropriations thinks this is an appropriations bill, what would be the Ruling of the Chair if they returned it that way?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President would have to study the bill more thoroughly, Senator Bailey, to determine the answer to your question, but the President has serious doubts that it would qualify as an appropriations measure."

Debate ensued.

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I observe with some interest the statements of our majority leader and caucus chairman. Are they telling us that we will not be considering Senate bills other than appropriations during the special session? If so, I would like to know about it today, and if not, I would be very thankful."

The President declared the question before the Senate to be the amendment by Senator Mardesich to the motion by Senator Morrison.

The motion by Senator Mardesich carried on a rising vote.

The President declared the question before the Senate to be the motion by Senator Morrison as amended by Senator Mardesich.

The motion by Senator Morrison, as amended by Senator Mardesich, carried on a rising vote. Senate Bill No. 2085 was referred to the Committee on Ways and Means.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2112.

## SECOND READING

SENATE BILL NO. 2112, by Senators Wilson, Sellar and Henry:

Modifying civil service appointment procedures for sheriffs' offices and authorizing unclassified positions.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2112 was substituted for Senate Bill No. 2112 and the substitute bill was placed on second reading and read the second time in full.

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

On page 4, line 19, after "meeting." insert the following: "Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it be occupied, the position shall remain under the classified civil service until the civil servant occupying it at the time of the selection vacates that position."

On motion of Senator Wilson, Engrossed Substitute Senate Bill No. 2112 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Grant: "Will Senator Wilson yield? Senator Wilson, during the committee meeting with regard to this measure, was there testimony from any representatives of employees within the King County police organizations?"

Senator Wilson: "No, there was not, Senator, although I might point out that this bill does not affect King County in any way. Last year, or the year before, the Legislature passed a bill providing twelve exempt positions in the King County sheriff's office, and that remains unchanged by this bill."

Senator Grant: "What about with respect to the rule of three rather than the rule of one in appointments? Will that apply to King County, or will it not? I am not as concerned with the exemptions from civil service as I am with regard to the rule of three in appointments."

Senator Wilson: "I wonder if there may be somebody else on the floor can answer that question more accurately than I, although it would be my feeling that it would apply to King County."

#### POINT OF INQUIRY

Senator Day: "Thank you, Mr. President. Will Senator Grant yield? Senator Grant, what about the situation in a large office such as King County where they need someone who not only has law enforcement experience and probably gets high grades on civil service exams, but also needs to have some administrative capabilities and maybe some loyalty to the sheriff who has been elected by the people?"

Senator Grant: "Senator Day, Senator Wilson has already responded to that. The sheriff's department within King County is an example. The number of exempt positions has already been expanded by legislation last session, and those appointments can be made on any kind of consideration. He can make those appointments based on pure political considerations or administrative considerations or whatever other considerations he desires. We are talking about entry into the department, entry level positions which also affects, not only the commission personnel, but also affects those people that are noncommissioned within those departments, the clerical people, as well. By this measure, I think you are broadening it considerably beyond what I would like to see."

#### POINT OF INQUIRY

Senator Washington: "Mr. President and members of the Senate, would Senator Grant yield, please? In regard to the rule of three, my understanding, I could perhaps be mistaken, that that is relatively a common rule. For instance, could you answer that, and also whether or not the rule of three is utilized in filling civil service positions in other state and local governmental operations under a merit system?"

Senator Grant: "Senator Washington, you are correct. In other agencies it is broader than within police organizations. I believe, though, that this was an initiative provision to begin with for the whole civil service system for county sheriffs throughout the state of Washington was established by initiative and it specifically a rule of one was established because of the nature of the work within law enforcement. To broaden that, now, without even having any testimony from those most directly affected, I think is improper. There are devices in personnel systems and civil service systems whether you have a rule of one or a rule of three that can be used to select. One of the devices I have seen used oftentimes is the oral examination, and the type of board that conducts that examination, and it is dependent to some extent on the weight given to that kind of examination. The system now has some protections in it that don't exist in other civil service systems, and I think that is good."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Wilson respond to a question, then, before we move? Senator Wilson, under the amendment as proposed by you and adopted, if a sheriff should come in, and if under the language on page 4, these people who are enumerated as being those which would be unclassified, in other words, under sheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, A. A. and administrative secretary. It seems to me, you could very well have a situation where a new sheriff would move in, and he would be unable under your amendment as adopted to change any of the top personnel, and I don't know whether that is a good situation. If those six people who were the chief deputies of the former sheriff wanted to remain on, and that would be a very likely case, then the new sheriff

would be unable to institute or to bring his philosophy into play if those people were antagonistic to his position. I wonder if we are doing the right thing with that situation."

Senator Wilson: "Senator Mardesich, it may take a period of time and a certain amount of attrition before county sheriffs in certain counties will be able to fully implement this act in terms of appointing their top assistants of their own choosing. It was my feeling however, in providing this greater flexibility to county sheriffs that we should not make it possible because of the passage of this bill, to give the sheriff the authority to fire a civil servant purely through passage of this bill."

Senator Mardesich: "Mr. President, I wonder if he would respond to another question. Wouldn't we be more logical if we were to provide that those people could only be moved down in terms of position rather than fired and then give the sheriff some flexibility, and yet assure to those people who were formerly in those positions a degree of permanence of employment rather than facing a sure firing? Isn't that what we really are trying to accomplish?"

Senator Wilson: "Senator Mardesich, I imagine that would be possible. I have had in mind in the preparation of this amendment the situation faced by a deputy sheriff who has perhaps been in civil service in a department for fifteen, twenty years. It has become his career. He has entered this service and is retaining his interest in the service, partly because of the protections afforded to him by the civil service system, and I did not feel that we should abruptly terminate his position or degrade him in any fashion purely through this effort to provide a little more flexibility to the sheriff."

#### MOTION

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 2112 was ordered placed on the third reading calendar for February 22, 1977.

#### SECOND READING

SENATE BILL NO. 2052, by Senators Odegaard, Wilson, Clarke and Guess:  
Providing for highway permits and property taxes on mobile homes.

#### MOTIONS

On motion of Senator Beck, Substitute Senate Bill No. 2052 was substituted for Senate Bill No. 2052 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Beck, Substitute Senate Bill No. 2052 was advanced to third reading, the second 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. 2052, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Hayner—1.

Excused: Senators North, Scott, Woody—3.

SUBSTITUTE SENATE BILL NO. 2052, having received the constitutional 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 2:25 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Tuesday, February 22, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

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**FORTY-FOURTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Tuesday, February 22, 1977.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Grant and Woody. On motion of Senator Odegaard, Senators Fleming, Grant and Woody were excused.

The Color Guard, consisting of Pages Liza Del Guzzi and Robert Wiswall, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, THERE IS A GREAT SPIRIT OF GRATITUDE WHICH WELLS UP WITHIN US WHEN THE WORLD YOU HAVE CREATED PROVIDES FOR THE NEEDS WHICH WE FEEL SO STRONGLY. SO WE HAVE THANKED YOU FOR THE SUNSHINE, AND ITS ENERGY AND WARMTH AND LIGHT. AND TODAY WE THANK YOU FOR THE RAIN. WE ARE GRATEFUL THAT YOUR RAINS FALL ALIKE ON THE JUST AND UPON THE UNJUST, FOR THERE IS A LITTLE BIT OF EACH OF US IN BOTH OF THOSE GROUPS. TODAY, OUR FATHER, WE STILL NEED RAIN, AND EVEN MORE, WE NEED TO BE FOUND ON THE SIDE OF THE JUST. WHILE YOU ARE THE SOURCE OF THE RAIN, THE PEOPLE IN THIS ROOM HAVE MUCH TO DO WITH ITS CONSERVATION, ITS DISTRIBUTION, AND WITH THE ENERGY IT SUPPLIES. GRANT TO THEM UNUSUAL WISDOM IN THE TASKS WHICH FACE THEM TODAY, AND GRANT THAT ALL THEIR ACTIONS MAY HAVE THE EFFECT OF LIFE-GIVING RAIN ON ALL THE PEOPLE OF WASHINGTON. IN THE MASTER'S NAME, SO BE IT."

**MOTION**

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

**REPORTS OF STANDING COMMITTEE**

February 21, 1977.

SENATE BILL NO. 2082, abolishing certain state agencies (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2082 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules.

February 22, 1977.

SENATE BILL NO. 2189, adopting the international registration plan (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.



February 22, 1977.

SENATE BILL NO. 2245, implementing law relating to contract rights of employees in the common schools (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2245 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Murray, Washington.

Passed to Committee on Rules for second reading.

February 17, 1977.

SENATE BILL NO. 2287, establishing open primaries (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Gaspard, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2371, updating the Model Traffic Ordinance (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman, Beck, Vice Chairman; Bottiger, Guess, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2418, revising the laws relating to criminal justice training (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2507, providing for tamper proof licenses and identicards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman, Beck, Vice Chairman; Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2662, revising the membership of the veterans' affairs advisory committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Henry.

Passed to Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2747, providing for disposal of surplus property (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2831, making changes in the RCW code to reflect other laws relating to education (reported by Committee on Education):

**MAJORITY recommendation:** Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

February 22, 1977.

**SENATE BILL NO. 2832**, setting forth the "In-service training act of 1977" for common school personnel training (reported by Committee on Education):

**MAJORITY recommendation:** Do pass and that Senate Bill No. 2832 be referred to Committee on Ways and Means.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Referred to Committee on Ways and Means.

February 21, 1977.

**SENATE JOINT MEMORIAL NO. 103**, memorializing the President and Congress to continue to support the Republic of China (reported by Committee on State Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Henry.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 22, 1977.

**BETTY McCLELLAND**, to the position of Director of the Department of Emergency Services, appointed by the Governor on January 27, 1977 for the term ending at the pleasure of the Governor, succeeding Thomas S. Pryor (reported by the Committee on Energy and Utilities):

Recommends that said appointment be confirmed.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Henry, Keefe, Lewis, Wilson.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, February 21, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 21, 1977, Governor Ray approved the following Senate Bill entitled:

**SENATE BILL NO. 2561**, relating to weather modification and control.

Sincerely,

**JOE ZASPEL**

Legislative Assistant.

At 10:55 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the budget message by Governor Dixy Lee Ray.

#### JOINT SESSION

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

The Speaker requested the Sergeant at Arms to escort President John Cherberg, President Pro Tempore Al Henry, and Vice President Pro Tempore James Keefe to the rostrum.

The Speaker invited the Senators to seats within the bar of the House.

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

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

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

The President appointed Representatives Shinpoch, Blair and Kilbury and Senators Odegard, Lewis and Wilson as a special committee to advise Governor Dixy Lee Ray that the Joint Session was assembled and ready to receive her address.

The President appointed Representatives North, Monohon, Barr, McKibbin and Oliver, and Senators McDermott, Morrison, Ridder and Van Hollebeke to escort the Supreme Court Justices to seats within the bar of the House.

The President appointed Representatives Grimm, Winsley and Walk and Senators Goltz, Murray and Buffington to escort the state elected officials to seats within the bar of the House.

The Sergeants at Arms of the House and Senate announced the arrival of Governor Dixy Lee Ray at the bar of the House, and the President instructed the special committee to escort her to the rostrum.

The President: "Honored members of the Legislature, ladies and gentlemen: The purpose of the Joint Session today is to receive a message from Her Excellency, the Honorable Dixy Lee Ray, Governor of the State of Washington."

#### GOVERNOR'S BUDGET MESSAGE

Governor Ray: "Mr. President, Mr. Speaker, Ladies and Gentlemen of the Legislature:

"Today, it is my privilege to come before you and present the first fiscal message of my new administration. In developing this message, I have kept one thought foremost in my mind: We—this Legislature and this administration—you and I together, must take steps to solve some of the fiscal issues which have lingered unresolved in recent years and now press upon us with a growing sense of urgency.

"The issues are well known—school funding, tax reform, and pension reform, to name a few. It is solutions that have been elusive. But the time has come to confront these issues and to create workable solutions that do not borrow unreasonably against the future nor impose unfair burdens on our citizens. We owe the people of this state a fiscal plan that is both fair and workable.

"The 1977-79 biennium budget that I am proposing to you today totals \$8.1 billion of which \$5.2 billion is the General Fund portion. It represents an overall increase of 24.7 percent over the estimated expenditures for the current biennium.

"That's not the whole story. This proposal reflects the austerity era which I launched with a recent executive order and which I believe is essential for improving the financial condition of the state. It also reflects a reduction of \$235.5 million from the 1977-79 budget plan proposed by former Governor Dan Evans last month.

"I will discuss the specifics of my proposed reductions in a moment, but first, I must comment on taxes.

"During the past twelve years, this state government has followed a set of fiscal policies that have required a steady stream of tax increases. The retail sales and use tax has been increased three times—in 1965, in 1967, and again in 1976. The business and occupation tax was increased in 1976. Taxes on alcoholic beverages were increased in 1965, 1969, 1971 and 1973. The public utility tax was increased in 1971. State taxes on cigarettes and tobacco now stand at 45% of the wholesale price, having been increased in 1965 and again in 1971.

"True, some of the pressure for these increases has come from a tax structure that does not generate revenues in proportion to increases in state income levels, but there has also been an unprecedented expansion of state government during the past twelve years, and state spending has increased by 261% since 1965. This is an increase far beyond that necessary to accommodate inflationary pressures. We must now bring unrestricted growth under control. We must establish new fiscal policies that will keep state spending at a level that is within our ability to pay. We must learn to say no.

"In prosperous times we must avoid the temptation to spend all of our increased tax resources for expanding government services to a level which we are later unable to sustain without tax increases. In other words, if a program cannot be justified during periods of a stable economy or recession, it should not be funded during periods of prosperity. In this administration, I will do my best to accumulate surpluses during periods of economic expansion so that we may continue the essential programs during the periods of slowdown.

"We must also come to recognize that state government cannot be responsible for all of the problems which confront local governments. In the past 12 years the state has assumed responsibility for contributing to mass transit and for funding the Law Enforcement Officers' and Firefighters' Pension Systems. While the need for these programs cannot be disputed, it is irresponsible for the state to assume these additional burdens without either developing new sources of revenue or eliminating programs of comparable expenditure. These two programs alone now cost the state millions to finance—millions we do not have. This forces us to either increase taxes or curtail services in other areas.

"I am aware of similar bills before the Legislature this session. I will not oppose them so long as they provide for specific sources of additional revenues or for reductions—with which I agree—in other programs. However, I would prefer that additional taxing powers be extended to local governments so that those who benefit and must pay can better determine expenditure priorities.

"Increases in federal funding over the last 12 years have substantially contributed to the increased services the state now offers to its citizens. Unfortunately, federal funding is often contingent upon the development of new programs which may or may not be consistent with the state's highest priorities. More important from a financial standpoint is the fact that such federal funds are too often later withdrawn, leaving the state with the obligation either to eliminate the programs or to fund them with state dollars. We all know how difficult it is to terminate a program once it is underway. It means discharging employees and often, it also means alienating large constituency groups that have become dependent on it. Consequently, this 'carrot approach' used by the federal government has led the state into funding and maintaining programs that are not necessarily consistent with our own priorities and our own funding limitations.

"It will be the policy of this administration to examine carefully all offers of federal assistance and determine before acceptance that the programs that we agree to sponsor are consistent with our own priorities. This administration will not be afraid to say no.

"Now, I want to talk about fiscal integrity.

"The fiscal policies of the prior administration not only resulted in continuous tax increases, but they have brought us dangerously close to being unable to redeem, with cash, the warrants we have issued.

"As of January 8, 1977, just four days before I assumed office, the General Fund cash deficit was \$158.7 million, an increase of approximately \$85 million since the same time one year ago. So far we have been able to avoid paying interest on warrants by borrowing from other state accounts which are not yet in a deficit position. This practice costs us at least five percent return on the amount borrowed. We

cannot continue to rely on such borrowings from other accounts, nor can we allow the situation to grow worse. If we continue to meet our obligations in this manner, we will be forced to borrow from the banks. That would most likely cause the financial market to downgrade our financial rating resulting in higher interest rates for our bond issues. Adoption of my program will enable us to preserve our credit rating and avoid millions of dollars in increased interest charges.

"The difficulty we are experiencing in meeting our cash requirements without borrowing from other accounts has been caused mainly by accounting transactions which shifted revenue, but not cash, from future to current biennia. Accounting gimmicks like these have resulted in a General Fund deficit that now raises the possibility of the state being forced to issue registered warrants until the situation improves. This is our legacy from the last administration.

"I wish to make it known now that I do not like to use accounting gimmicks to balance the books. One of the goals of my administration will be to establish a sound fiscal basis for revenue collections, cash flow scheduling and expenditure controls that will improve the accounting integrity of our financial processes.

"Now, before turning to specific programs, I wish to comment briefly on the budget proposed by my predecessor and note some of our differences.

"The Evans' budget reflects the pattern of tax increases which characterized that administration. Specifically, the Evans' budget proposes that the state sales tax, one of the most regressive of personal taxes, be increased by one percent and that the B&O tax, one of the most regressive of all business taxes, be increased by twenty-five percent. Thus many of our citizens least able to pay were being asked to contribute an additional \$650 million each biennium. While this might have been somewhat justified if the new revenues were to be used entirely for common schools, thus reducing the amount of property taxes, that was not the case. Only a little more than \$200 million of the \$650 million was to be used for that purpose. The remaining \$450 million was required to finance program enhancements and growth in the cost of services. Unfortunately, even \$650 million is not sufficient to fund the proposed service level. The true figure is closer to \$700 million. Further, while the Evans' plan includes full funding for basic education only for the second year of the coming biennium, the requested tax increase covers twenty-five months. Obviously, in succeeding biennia we must fund both years and we cannot continue to do it simply by lengthening the biennial period for revenue purposes. Consequently, the Evans' budget lays the groundwork for even higher tax increases during the 1979-81 biennium in order to continue to meet our commitment to the common schools. When all of these conditions are recognized it becomes apparent that the Evans' budget proposal would commit the state to an expenditure level exceeding \$1 billion in new obligations during the 1979-81 biennium. That is equivalent to more than a two percent increase in the state sales tax.

"Unlike the previous governor, I propose no increase in the state sales tax nor in the business and occupation surtax. The present level of those regressive taxes is onerous enough. Instead, I intend to balance my budget proposal through the addition of \$112 million in one-time revenues, \$95 million through increasing the motor vehicle excise tax, \$11 million through holding the inventory tax credit at forty percent for two years, \$17.5 million through certain fund transfers, and \$235.5 million in expenditure reductions.

"In addition to these specific expenditure reductions, each agency of state government must be committed to further cost reductions, to be achieved through improved efficiency and effectiveness of their operations. To this end, I will designate a subgroup of my cabinet to serve as a management committee. This management committee group will consist of department heads. Theirs will be the responsibility to evaluate and make recommendations on major improvements to increase the efficiency of state government.

"This committee will also be charged with maintaining public service levels within the reduced resources proposed by this budget. My administration will not tolerate the continuous proliferation of state government which marked the previous twelve years. Note again that while state spending has increased 261% since 1965, the total number of state agencies, boards, commissions has mushroomed to well over 350, and the total number of state employees has grown to more than 56,000. It is time to define just what limits there are on the role of state government. We must challenge not only the way we do things but why we do them. I am not suggesting that this task will be easy. It will not. It will require the complete dedication of the management team and all state employees, the people who are ultimately responsible for making anything work in state government.

"It would not be totally honest to imply that these proposals will solve our problems. For now, I am recommending the use of one time revenues to fund expenditure levels which will become a continuing requirement. Therefore, we will need additional taxes for the 1979-81 biennium.

"What I propose is this: A joint legislative-executive campaign to reform our regressive tax structure before 1979. I do not propose to continue balancing the state budget at the expense of those who can least afford to pay the increased taxes. Instead, I propose to work diligently during the coming year to explain our regressive tax structure to our citizens around our state and to caution them that, unless we can bring about a tax reform which includes some kind of graduated income tax within the next two years, we will be facing tax havoc in the spiraling discrimination of our sales and B&O taxes. Already we lead the nation with the most regressive state and local tax structure. I think the time has come to face up to this issue and to develop an equitable tax reform package that can be intelligently discussed with the citizens of our state. I am convinced that people will understand the urgency of tax reform if we establish controls on spending and reverse the continuous upward spiral of government costs, and if we provide a tax reform package that truly offers the kind of tax relief that is needed; one that distributes the tax burden equitably according to one's ability to pay. I believe that we can accomplish this needed reform if we work together to bring it about. I pledge my support to such a joint effort and I encourage you to join with me in this partnership. Together we can face up to these most pressing fiscal issues and begin to resolve our funding problems that have all but paralyzed this state government in recent years.

"I turn now to specific program highlights of my proposal.

#### COMMON SCHOOL EDUCATION

"Funding of the common schools is the top priority of this legislative session. The Thurston County Superior Court has ruled that special school levies must be used for special purposes only and that a contemporary education program must be funded by means other than special levies no later than July 1, 1979. This, of course, clearly means that the state must promptly assume the obligation of properly and appropriately funding a program of basic education for our children.

"Even without the added impetus of this court decision, the issue of properly funding the common schools is one requiring the concerted attention of this Legislature. For too long common school financing has had to rely on an annual property tax levy. This system of financing has thwarted proper planning, diverted attention from educational programs and left the individual district's programs unacceptably vulnerable.

"The issue of ample common school financing is now squarely before us, and it is pointless to speculate as to whether it can be avoided. It cannot. This Legislature must commit itself to solving the levy problem which has plagued us for more than a decade, and to do it without sacrificing the quality of our educational programs.

"It is my objective to reduce and limit excess levies voted by the people to ten percent of total costs by the 1979-80 school year and to permit such levies to be

used only for enhancement purposes, such as additional course offerings, class size reduction and other special programs. It should be clearly understood, however, that levy support must of necessity be a very real component of financing the basic education program of our common schools until that time.

"The limitation on and reduction in school levies amount to a direct tax relief for the property owner. It also requires that other tax sources be found to replace lost revenue and that the new revenue be collected and distributed at the state level.

"The budget I am proposing includes approximately \$2.1 billion for common school education during the 1977-79 biennium. This level of support commits us to additional resources during the 1979-81 biennium. There can be no avenue of retreat.

"The budget I recommend provides the phase-in during the 1977-79 biennium necessary to accomplish full state funding of basic education by the first year of the following biennium. It thus conforms to the directive of the recent superior court decision. To accomplish this, I propose funding a formula essentially as proposed by the Superintendent of Public Instruction at 90% of the cost of basic education for the 1978-79 school year.

"The Thurston County Superior Court decision requires that the Legislature define 'basic education.' Once the Legislature has accomplished this, my goal will be to revise our regressive tax structure so that the state will be in a better position to increase its support of our public schools without adding the greatest part of the increased tax burden to those least able to afford it.

"I have included a salary increase for K-12 certified and classified employees equal to 5.5% the first year and an additional 2.5% each year to fund the cost of increments. Our teachers now enjoy salaries which rank them fourth in the nation and this proposal will maintain that level. The Legislature must, in turn, address the issue of locally negotiated salary levels. Without some constraints on salary levels, additional state support will not guarantee better educational programs.

"The state commitment to eliminate school district reliance on special levies for basic educational programs is, in fact, a recognition that a shifting of taxes is mandatory. The alternatives are limited. Either we adopt a constitutional amendment allowing for an income tax, or we will be forced to increase the state sales and B&O taxes substantially during the 1979-81 biennium.

### STATE PENSION SYSTEMS

"I want to turn to another area of critical concern—that of our state pension systems. There have been times during the past several years when our pension systems have been used as a convenient means of balancing the state's constantly escalating budget. Such accounting manipulations have seriously jeopardized the security of members' benefits and, worse, the financial integrity of the pension systems. Moreover, certain provisions in the rules governing the systems have created glaring inequities. In some cases employees whose contributions have been minimal are able to reap windfall benefits. That this situation has been permitted to go on this long is morally irresponsible and fiscally reckless.

"As a first step toward responsible pension funding, I propose a reduction in the investment earning potential assumed in Evans' budget from 7% to 6.75%. This reduction which is prudent and proper will require the addition of \$24.3 million in state contributions during the 1977-79 biennium.

"This, however, is a first step only. The Legislature must now endeavor to place our pension systems on sound financial footing and resist the temptation to underfund them which, in any case, provides only temporary relief from a financial burden. To protect the pension systems from further erosion and abuse, and at the same time solve the problem of a growing unfunded liability, I strongly urge and support pension reform. But I want to make it clear right now that pension reform

means substantive reform. I will veto any pension reform measure that is only cosmetic. Responsible pension reform should consider the following factors:

1. Establishment of social security payments as the first dollar benefit in determining final pension benefits.
2. Revision of present benefit formulas so that greater equity can be achieved between lower paid employees and higher paid employees.
3. Possible inclusion of a cost-of-living factor in benefit formulas to protect the purchasing power of an individual's pension even if the initial benefit entitlement must be less.
4. Revision of the length of employment required to qualify for a pension based on the state's overall personnel policies. The fundamental question is whether we should use the pension system to encourage early retirement.
5. Provisions for employees to transfer between present or future systems.
6. Finally, protection of the current retirement systems members' benefits since we have both a moral and a legal obligation to do so.

"This Legislature—in being asked to correct pension system abuses of many years standing and also provide ample funding for basic education—has before it a monumental task. The resolution of either issue could occupy the entire session. I can appreciate that possibility; however, I am committed to both of these issues. They must be resolved. Therefore, I propose that we jointly work toward pension reform. If the legislative leadership and I cannot agree upon a comprehensive pension reform bill within the next few days, we should defer the issue and I will pledge to submit a comprehensive pension reform proposal before August 31, 1977. We can then devote our complete attention to this vital issue during the 1978 special legislative session. This added time will also allow the general public to review my proposal before the 1978 session when pension reform will surely be the first item of concern.

#### STATE EMPLOYEES' SALARY INCREASES

"Our state employees deserve to be fairly compensated for the work they perform, and the inequities of current state salaries must be addressed in this legislative session. In 1975 the Legislature directed that a salary survey be conducted by an outside consultant in order to provide objective data upon which to base salary increases. The survey was conducted and presented to the 1976 Legislature for its consideration. The Legislature responded by implementing one-half of the 1975 survey findings effective July 1, 1976.

"Time and inflation continue to erode all salaries including those of state employees. Therefore, I am recommending implementation of the balance of the survey findings and further changes in salaries which will raise the total compensation increase to an average of ten percent for all classified employees. Further, I am recommending a ten percent increase for higher education faculty and a six percent increase for the State Patrol.

"I am aware of the controversies which have accompanied recent salary surveys and for that reason I support those specific portions of House Bill 602 and Senate Bill 2383 which provide legislative and executive branch guidance for the conduct of salary surveys, so we might be better able to understand and work with the results of the surveys.

"In addition to salaries, one area that is of concern to all state employees is the state's contribution to medical insurance. Since the \$35 a month rate was established in 1974, medical insurance premiums have increased drastically, yet the state's contribution remains unchanged.

"On the average, premiums have increased over 50% since 1974, and further increases can be expected during the next biennium. I am, therefore, requesting that the state contribution be increased to \$72.50 a month effective July 1. This increased contribution will reduce the employee's share of insurance premiums and encourage increased medical and life insurance coverage.



## HUMAN RESOURCES

"As you well know, I am deeply concerned that we both adequately and efficiently provide for the genuine human needs of our citizens. In light of these concerns, I have appointed a select panel to study the organization and operation of the Department of Social and Health Services.

"In the meantime, some adjustments from the prior administration's budget are in order. For example, recent workload experience in the department suggests that original workload estimates were, in some cases, too high and that appropriate budget reductions are warranted.

"First caseloads in the major income maintenance programs continue to run below previous estimates; and for the most recent months, savings have been reflected in the medical assistance program as well. Accordingly, my budget recommendations for the coming biennium reflect these caseload changes. Secondly, the cost of continuing the 'current level' of spending for most major programs is less than was originally forecast, and some additional savings will result from the freeze on hiring. Therefore, my budget for the new biennium reflects a lower allowance for current spending levels.

"Additional savings are also being made by withholding support at the present time for many program enrichments which, although perhaps desirable, have not been sufficiently substantiated for me to recommend them as priority needs. I will be better able to identify the priorities after my select panel studying the organization of the department submits its report to me in June of this year.

"In total, my recommended state General Fund budget for the Department of Social and Health Services amounts to approximately \$936.4 million, an increase of \$95.2 million or 11.3 percent over current estimated state general fund expenditures of \$841.2 million. With the addition of anticipated federal funds the department's total budget is approximately \$1.6 billion.

"Washington State offers a full range of public assistance and medical assistance benefits, ranking 15th among the fifty states in the level of income maintenance grants, and my recommendations will maintain this position.

"In the public assistance areas of income maintenance, social services and medical assistance, I am recommending vendor increases of \$67.5 million and caseload standard increases of \$58.2 million to cover the projected cost of inflation. An increase in state funding of \$18.2 million is also needed to offset a reduction in federal matching funds for these programs. I am also recommending that child care services be expanded to permit employment of welfare recipients, and that the demonstration project on aging be continued pending legislative review. In addition, I am recommending increased enforcement to collect delinquent child support payments and third party medical recovery costs.

"In Adult Corrections, I am recommending several major items to increase our capacity to handle the growing institutional populations. These include additional staffing at the correctional institutions, additional work release facilities for 150 persons and a new honor camp.

"For the Mental Health program, I am recommending expanded inpatient services for mentally ill children, and continuation of long term treatment and program improvements in the alcoholism program. I am also proposing funding adequate institutional staffing ratios to assure accreditation.

"For Developmental Disabilities, I am recommending both client caseload and program increases for group homes and developmental disabilities centers, additional funding and staff for case services, and \$3.4 million for the operation of three new residential training centers to be constructed during the coming year.

"Several other human resources programs require comment. I am recommending the transfer of both Comprehensive Health Planning and Drug Abuse Prevention Office from the Planning and Community Affairs Agency to the Department of

Social and Health Services. These programs should be continued at current levels. I am also recommending inclusion in the Planning and Community Affairs Agency budget of the federally funded Comprehensive Employment and Training Act (CETA) program, which amounts to \$112 million. The remaining Planning and Community Affairs Agency programs should be continued at the current levels.

"The Human Rights Commission budget of \$2.9 million provides the \$1.1 million increase necessary to deal with a serious backlog of complaints and to reduce the processing delays which have contributed to this problem.

"For the Department of Veterans' Affairs, I am recommending continuation of the thirteen field service offices at approximately \$1.2 million and continuation of institutional and administrative programs.

### HIGHER EDUCATION

"The operating budget I propose for our institutions of higher education totals \$1.2 billion, an increase of \$137 million over estimated expenditures for the current biennium. This budget will provide for the continuation of existing programs at the current level and for a modest amount of program enrichment.

"The growth of higher education in the State of Washington during the last fifteen years has been dramatic. Enrollment grew from just under 62,000 in the fall of 1962 to more than 236,000 in the fall of 1976, an increase of 283%.

"The years following World War II also brought about major growth in our community colleges, expanding them from eight campuses in 1945, when they were supported by local funds, to twenty-seven campuses today, supported since 1967 entirely by state funds and student fees. The combined enrollment of these institutions now stands at 158,000 students.

"I think we can now expect a stabilization of enrollment, although growth will occur in selected areas, such as continuing education and the vocationally oriented programs offered by our community colleges and vocational technical institutes. At the same time it appears that we may well see a decline in enrollment in some of our liberal arts programs.

"I have asked that our enrollment projections for these institutions of higher education be reevaluated in light of the latest fall quarter enrollment. This action may result in revised projections for both the four-year schools and the community colleges.

"The costs of higher education have increased substantially in recent years. The public cannot, and should not, be expected to absorb all of this increase. The extra burden should be borne, at least in part, by those who directly receive and benefit from these services. I have, therefore, reluctantly recommended an increase in the operating fees paid by students. The fee increase that I recommend is in proportion to the cost of the educational services provided. It is the first such increase since 1971, and will generate approximately \$32 million during the ensuing biennium.

"It is not my intention to bar the student with limited financial resources from our institutions of higher learning. I am also proposing, therefore, to increase the amount of financial aid available to low income students. This amount will be equivalent to an additional three percent in tuition and fee waivers. This additional support, applied directly where the need exists, will make it possible both to increase the number of students served and to improve the capacity of each college and university to meet the individual needs of its students.

"I am sure you all share my firm belief that the student of exceptional potential should be encouraged to advance his or her education. I believe that the contributions to society made by these gifted individuals far outweigh the costs of assisting in their education. I am, therefore, proposing that institutions of higher education be authorized to use one-sixth of the existing three percent fee waiver for the purpose of encouraging students of high potential, without regard to their financial resources,

to seek advanced education. This should result in fee waivers to approximately 600 to 700 students annually at a cost of \$380,000.

"The Legislature, in the development of its appropriations for institutions of higher education for the current biennium, proposed certain levels of support. I realize that these levels do not provide the quality of education that I would like to see available in our colleges and universities. I do believe, however, that given existing revenue constraints, these levels are realistic and reflect the funding priorities of our state as a whole. I am therefore proposing, in response to this dilemma, that approximately one-third of the additional revenue generated by my proposed fee increase be used to enhance educational programs. The remaining two-thirds is recommended to offset the added costs of inflation.

### TRANSPORTATION

"To finance the proposed highway budget, the prior administration planned to issue \$30 million in bonds and to obtain an additional \$10 million in one-time receipts. Although I might be able to support such a plan if the need were temporary, I cannot recommend such a proposal when it is clear that the level of need expressed in the budget will be a continuing one. Historically, we have largely financed the highway systems from gas revenues, and I subscribe to this concept for a recurring level of need. Accordingly, I support the legislation which calls for a variable gas tax not to exceed twelve cents per gallon. This level of funding will allow us to preserve our investment in the highway system while stimulating the state economy and increasing employment. I also support use of the additional monies to fund the deficit in the ferry system operations for the next biennium with no increase in ferry tolls. At the same time, as chairman of the Toll Bridge Authority, I intend to take a hard look at our water transportation system and to initiate improvements in this mode of transportation. We must begin to look at some new alternatives like passenger-only ferries and to develop cost effective approaches that will enable us to maintain service at levels users can afford.

"Finally, I have reviewed the Highway Commission's proposed construction budget for the next biennium and recommend full funding. It provides for completion of the interstate system and for other needed construction at a cost of \$419 million, approximately two-thirds of which will be federal money. It provides for replacement of obsolete Puget Sound ferries through construction of two 100-car vessels to be financed through a \$30 million bond issue. It also provides for restoration of an adequate program of highway maintenance. The total proposal represents a 26.7% increase over the present biennium.

### CAPITAL BUDGET

"For the Capital Budget I propose \$237 million in reappropriations for continuation of projects currently under construction. I also recommend a moratorium on bond issues related to approximately \$150 million in capital projects until I have completed my detailed assessment of the priorities of the operating programs these projects support. The taxpayer should not be burdened either with the capital cost or the indefinite upkeep of facilities whose benefit may prove marginal. I note that unused Northern State Hospital costs a quarter of a million dollars a year just to maintain. I will not authorize the construction of new facilities until I am convinced that existing ones like Northern State Hospital are prudently utilized.

"I will support any new projects that can be proved to be essential for the health or safety of persons or for compliance with existing building codes. For example, I will support expansion of maximum security facilities to relieve the overcrowding problems in our state prisons. I will further support capital projects shown to be essential for continuation of current services or for the preservation of existing structures. Renovation projects to conserve energy, improve space utilization, or

provide access for the handicapped will be reviewed on an individual basis and will likely be supported.

#### SUMMARY

"To summarize, I am proposing a total budget of \$8.1 billion without calling for increases in either the state sales tax or the business and occupation tax.

"I am assuming receipt of federal Comprehensive Employment and Training Act (CETA) funds estimated at \$112 million—almost double those received in the current biennium. This estimate is based on announcements received on February 18 from the U.S. Department of Labor. No CETA funding was included in the prior administration's budget, an oversight which strikes me as a rather strange mixture of priorities given the desperate unemployment situation which now exists both here and across the nation.

"To balance this budget, I am calling for an overall reduction of \$235.5 million below the level proposed in the Evans' budget. This includes a 'tightening up' of approximately five percent within almost all state agencies. I will provide the details of my proposals for each state agency to the Legislature in the next few days.

"My proposal assumes continuation of the temporary 0.1% increase in the sales tax and the 6.0% B&O surtax that has been in effect since June 1976.

"I also propose holding the business inventory tax reduction at 40% for two years and will propose a transfer to the General Fund the unexpended and unneeded balances from the community college bond fund and from the Treasurer's revolving fund. These actions together will provide an estimated \$28.5 million in additional funds.

"I will propose legislation that will shift the collection of the state property taxes from twice a year to once a year. This one-time shift will not generate additional taxes but it will provide \$112 million in additional collections within the 1977-79 biennial period.

"Finally, I am proposing an increase in the Motor Vehicle Excise Tax rate from two to three percent. This tax, one of the least regressive in our tax structure, was last changed in 1959. This proposal will generate an additional \$95 million in new revenue.

"These recommendations, taken together, will result in revenues from state General Fund sources of \$4,178.6 million. I have proposed expenditures from state General Fund sources of \$4,157.5 million. My budget proposal, therefore, will yield a balance of \$21.1 million in state funds.

"I suggest that it is prudent and sensible to leave a small reserve for unforeseen contingencies. There is, after all, the immediate uncertainty as to what the final economic effects of our present drought condition may be. There is the further possibility that adverse shifts in our economic plan could occur and cause revenues to decline while expenditures grow in order to accommodate a rising caseload in our public assistance program.

"In closing, I want to thank each of you in this Legislature for the courtesies you have shown me during these opening days of my administration. It is my wish to work closely with you in the months ahead so that, together, we can take those steps that are so desperately needed in order to develop solutions and achieve reforms that truly address the crucial fiscal issues that confront us today. Thank you."

The President of the Senate instructed the special committee to escort Governor Dixy Lee Ray to her office.

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

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

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort President John Cherberg, President Pro Tempore Al Henry and Vice President Pro Tempore James Keefe from the House Chamber.

The President called the Senate to order at 12:00 noon.

MESSAGES FROM THE HOUSE

February 21, 1977.

Mr. President: The House has passed HOUSE BILL NO. 49, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 21, 1977.

Mr. President: The House has passed HOUSE BILL NO. 46 and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 21, 1977.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 108,  
 HOUSE BILL NO. 148,  
 HOUSE BILL NO. 195,  
 ENGROSSED HOUSE BILL NO. 245,  
 HOUSE JOINT RESOLUTION NO. 7, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 22, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 23, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 23.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 46, by Representatives Clemente, Lux and Fischer:

Authorizing adjustments of workmen's compensation payments.

Referred to Committee on Labor.

HOUSE BILL NO. 49, by Representatives Clemente, Lux, King, Groger and Knedlik:

Changing the term "workman" to "worker" throughout the state industrial insurance laws.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 108, by Representatives Conner and McCormick (by Department of Motor Vehicles request):

Revising the special fuel tax laws.

Referred to Committee on Transportation.

HOUSE BILL NO. 148, by Representatives Enbody, Thompson and Conner:  
Providing for the operation and maintenance of the Puget Island ferry.  
Referred to Committee on Transportation.

HOUSE BILL NO. 195, by Representatives Shipoch, Warnke, Charnley, Hughes and Knedlik (by Office of Program Planning and Fiscal Management request):

Extending time bonds of the Washington Futures Program of 1972 may be issued.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 245, by Representative Hanna:

Allowing counties to establish biweekly pay periods.

Referred to Committee on Local Government.

HOUSE JOINT RESOLUTION NO. 7, by Representatives King, Fortson, Charnley, Grier, Hughes, Knowles, Lee, Lux and McCormick:

Permitting Constitutional amendments to contain several sections on one subject.

Referred to Committee on Constitution and Elections.

#### MOTION

At 12:05 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SECOND READING

SENATE BILL NO. 2175, by Senator Rasmussen:

Allowing beer and wine to be served in containers other than glasses or bottles.

The Senate resumed consideration of Senate Bill No. 2175. On February 10, 1977, the committee amendments were adopted. On February 17, 1977, Senator Day explained two amendments but were not moved for adoption at that time and the bill was held for consideration at a later time.

There being no objection, the amendments discussed by Senator Day on February 17, 1977 were withdrawn.

On motion of Senator Day, Engrossed Senate Bill No. 2175 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Lewis: "Mr. President, will Senator Day yield to a question? Senator Day, your point, the other day when we talked about this, was related to the operation in the state, or at least a portion of the state, of Coors' beer or Coors brewery. What is the effect now of your withdrawal of the amendment and their operation within the state?"

Senator Day: "That doesn't change the present status of their operation, Senator."

Senator Lewis: "Would you elaborate as to what their status is in this state?"

Senator Day: "This is going in the record, Senator. Do you want me to?"

Senator Lewis: "Well, I think we should have the facts."

Senator Day: "I think that there is a misconception by the board that they can draft a rule that would exempt a beer sold in containers of less than, I believe it is seven and one-half gallons, from pasteurization by a substitute process that is not

pasteurization when pasteurization is written right into the statute, and I don't think they can. I think if there were something in there about a process to reduce the bacteria or control the bacterial count in the fermentation process in beer, that they then could draw a rule implementing that process, denoting it as being pasteurization or some other method such as filtration. But the statute specifically says pasteurization, and so I feel that if we are allowed to introduce bills, and I cannot find a title, that I will offer an amendment in the special session which will rectify the problem."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2175, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Grant, Woody—3.

ENGROSSED SENATE BILL NO. 2175, having received the constitutional majority, was declared passed. 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. 2215.

### SECOND READING

SENATE BILL NO. 2215, by Senators Francis, Woody and Clarke:  
Revising probate laws.

The Senate resumed consideration of Senate Bill No. 2215. On February 18, 1977, the committee amendments were adopted. A notice of reconsideration was given by Senator Bottiger on adoption of the committee amendment to page 9, line 14 at that time.

There being no objection, Senator Bottiger withdrew his notice of reconsideration.

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

On page 2, line 23, insert the following:

"Section 1. Section 11.12.050, chapter 145, Laws of 1965 and RCW 11.12.050 are each amended to read as follows:

If, after making any will, the testator shall marry and the spouse shall be living at the time of the death of the testator, such will shall be deemed revoked as to such spouse, unless provision shall have been made for such survivor by marriage settlement, or unless such survivor be provided for in the will or in such way mentioned therein as to show an intention not to make such provision (~~(, and no other evidence to rebut the presumption of revocation shall be received)~~): **PROVIDED, That the presumption of revocation may be rebutted and all evidence otherwise admissible may be offered to show the intention of the decedent that any will in effect at the time of marriage should not be revoked.** A divorce, subsequent to the making of a will, shall revoke the will as to the divorced spouse."

Renumber the remaining sections consecutively and change internal references accordingly.

Senator Rasmussen moved adoption of the following amendment:

On page 21 beginning on line 1 after "thereon;" strike all the material down to and including "legatee," on line 2 and insert: "~~((at the request of the personal representative or any said heir, devisee, or legatee,))~~ before the estate is closed"

Debate ensued.

#### POINT OF INQUIRY

Senator Herr: "Thank you, Mr. President. Would Senator Francis yield to a question? Looking at this bill, I think this is kind of a minor bill. Are these amendments that Senator Rasmussen is putting on, have they been discussed in committee or what?"

Senator Francis: "Senator Herr, these amendments have not been discussed in committee. I believe that some of the amendments have not been discussed in committee. I believe that some of the amendments of Senator Rasmussen may have been discussed in caucus, and some of them, I think, are well taken and some are not. I was planning to deal with them one at a time, but no, they have not been worked in committee."

#### POINT OF INQUIRY

Senator Herr: "Senator Rasmussen, now these amendments you are adding on here, are these your ideas or some other group or what?"

Senator Rasmussen: "Senator Herr, they affect your constituents, my constituents and everybody else all over the state. I think they assist the bill in making a better bill out of it, and the answer is, no, we do not represent any special interest."

Senator Herr: "Well, Mr. President, you know, I think, you know, I respect the chairman of judiciary committee, and these things are attaching, I think, adding these amendments on the floor are kind of sometimes a bad precedent."

Senator Rasmussen: "Mr. President, I think Senator Herr is in error. The precedent is that we have always added amendments on the floor when we think there are places a bill may be improved. I am sorry that he didn't realize that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Clarke yield to a question? Senator Clarke, are probates handled on an hourly cost basis or are they handled on a fee basis on a probate, on the total of the—"

Senator Clarke: "That varies from firm to firm, but I think most firms handle it on an hourly basis coupled, perhaps in some instances, with the importance of the question involved as to what they would charge for their experience with respect to the hourly charge."

Senator Rasmussen: "So then, it would add no cost to the probate as far as that is concerned, but they do pay a sizeable fee and this would be included in that fee."

Senator Clarke: "Well, if your requirement would take more time and effort on the part of the lawyer and his staff, obviously it is going to increase the cost."

Senator Rasmussen: "But doesn't the lawyer have to prepare this material anyway in order to settle the estate and lay it out there for the executives to observe?"

Senator Clarke: "I think you are correct in that most of this material would have to be prepared, but the question of, in effect, giving notice to people who have not signified that they have any interest in contesting the thing. Now if there is an antagonism among the heirs so that there is likely to be a conflict of interest, this almost always shows up early in the probate proceedings, and normally, then the



contesting heirs will be represented by their own counsel, and will come in and ask for a notice of all these proceedings and the notice will then be given, so the right is there, but the requirement that this be done in all estates is the situation where I think, in substance, you are adding rather than detracting from the cost."

Senator Rasmussen: "It would appear to me it would be advantageous to the judge also, his knowledge that he would have before him."

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

Senator Rasmussen moved adoption of the following amendment:

On page 7, on line 34, insert the following:

"Sec. 9. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 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 ((twenty)) thirty 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. 10. Section 11.52.020, chapter 145, Laws of 1965 as last amended by section 9, chapter 117, Laws of 1974 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 ((twenty)) thirty 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."

Renumber the remaining sections consecutively and change internal references accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a question? Senator Francis, what would you think would be the appropriate amount to increase the homestead?"

Senator Francis: "Senator Rasmussen, I think that the wording of your question is kind of like, 'Have you stopped beating your wife?' I would disagree with your basic premise that it has to be increased. We did just recently double it, and I am convinced that twenty-thousand dollars is about the right amount. My reasoning is this: This kind of provision applies all across the board. It applies to situations of a young wife with very small preschool children who needs all of the funds right away, and it applies to people who don't have that situation at all, and in trying to balance that out, in creating a law that applies to everybody, I think twenty-thousand dollars is a reasonable amount."

Further debate ensued.

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

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

On page 1, line 1 of the title after "probate;" and before "amending" insert "amending section 11.12.050, chapter 145, Laws of 1965 and RCW 11.12.050;"

On motion of Senator Francis, Engrossed Senate Bill No. 2215 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Guess: "Senator Francis, would you point out to me where it is going to improve the rapidity of transfer of properties and where the savings are going to occur?"

Senator Francis: "Senator Guess, I could not do that without going through the entire bill again. I did go through and it took me an hour to go through it in caucus, and I understood that Senators Hayner and Clarke went through it in the Republican caucus. If you have any questions about any of the amendments and what they would do to help, I think it might speed the process up as far as answering that, but the amendments themselves to the present law, I think each of them helps in the ways that I have indicated."

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I would like to indirectly respond to Senator Guess's question. I know that he is interested in the uniform probate code. The uniform probate code was introduced here four years ago — five years ago, I guess, and at that time there was a committee, a subcommittee, set up in the House and the Senate to consider amending our probate code. We went through the uniform probate code section by section, examining what we thought were the beneficial aspects of the uniform probate code and, where possible, integrating those into our present code.

"Our code, in many respects, was far superior to the uniform probate code, and I truly believe that the provisions that were taken from the uniform probate code and integrated into it have improved it. I also think that there are things in the uniform probate code that we would not, in any way, want to have in our code.

"We did pass this in 1974. It became law, and I think many lawyers do feel that there was substantial improvement to expedite the settlement of estates and to cut down on the costs and the time involved. So I feel that those who are pushing

the uniform probate code need to examine our own code to see that it is really better than the uniform probate code."

**POINT OF INQUIRY**

Senator Cunningham: "Thank you, Mr. President. Would Senator Francis yield to a question? Senator Francis, yesterday I asked you a question I told you I would probably ask you today. With this exemption, if a piece of property is owned specifically in joint tenancy with full right of survivorship, does that transfer before or after this exemption?"

Senator Francis: "Senator Cunningham, I would say that thanks to Senator Rasmussen, I don't believe that joint tenancy property with full right of survivorship would even be part of the estate. It is automatically fully owned by the survivor upon the event of the death of one of the joint tenants, and as such, it would not have to be transferred by this provision or any other provision of the probate code."

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2215, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Voting nay: Senator von Reichbauer—1.

Excused: Senators Fleming, Grant, Woody—3.

ENGROSSED SENATE BILL NO. 2215, having received the constitutional majority, was declared passed. 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. 2620.

**SECOND READING**

SENATE BILL NO. 2620, by Senators Benitz and Morrison:  
Relating to emergency use of water.

**MOTIONS**

On motion of Senator Donohue, Second Substitute Senate Bill No. 2620 was substituted for Senate Bill No. 2620 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Bottiger was adopted:

On page 3, line 4, strike all of Section 6 and substitute the following:

"Pursuant to projects related to water withdrawal permits issued under sections 3, 4, or 5 of this 1977 amendatory act, the requirements of chapter 43.21C RCW and all local zoning ordinances, plans and local building and construction permit ordinances are waived and inapplicable. Notwithstanding any other provisions of law, projects related to water withdrawal permits issued pursuant to sections 3, 4, or

5 of this 1977 amendatory act shall not be subject to any public bidding and notice requirements. Permits issued under sections 3, 4, or 5 of this 1977 amendatory act shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140, 75.20.100, and 86.16-.080, as well as all other similar permits required under local ordinances. All state departments or other agencies having jurisdiction over state lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to sections 3, 4, or 5 of this 1977 amendatory act, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed."

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Bottiger would yield to a question before we advance? Senator Bottiger, on page 2, line 4, which one of the conditions which must be met with if these emergency permits are to be authorized. On line 4, the word that concerns me is the word 'essential'. It says, 'The proposed withdrawal will not reduce flows or levels below essential'—not 'essential'—but rather, 'extreme'. 'Extreme' is the word which concerns me. Extreme minimums, and then again, if extreme minimums are the question with respect to fisheries requirements, why are they not the requirement with respect to power generation, navigation and existing water rights? Why should not the word 'extreme' either be stricken on line 4 or inserted on line 6 before the word 'power'? The same question would apply to the word 'extreme' on line 23."

Senator Bottiger: "Senator Mardesich, this language was drafted by the attorney for the department of ecology at the committee's interest that we realize the importance also of the fisheries, the navigation and the power generation levels. I can't give you a flat answer why he inserted 'extreme' there and not in the other sections or the other places that you mentioned. I think it means the same thing."

Senator Mardesich: "If it does, Mr. President, then I would ask for an amendment."

#### REMARKS BY SENATOR GUESS

Senator Guess: "Senator Mardesich, if I might relate the setting of the levels of the water, and I have to go back to the Methow River, but they were setting the levels there for the various types of stages of flow they have. In the case of what they call extreme low water, they do set minimums for the fish, and I think that this is where this comes from that the proposed withdrawal will not reduce flows or levels below essential extreme minimums necessary to assure the maintenance of the fisheries requirement. This is the way they set those levels in the Methow, and I think that that language has come out of that particular type of deal. They don't want them to go and will not permit the irrigation waters to come out if it is going to damage fisheries."

#### REMARKS BY SENATOR MARDESICH AND SENATOR GUESS

Senator Mardesich: "My question is, why do you require with respect to fisheries that there be an essential extreme minimum, but you do not require for power generation, navigation and existing water rights that there be extreme minimums."

Senator Guess: "It is during periods of extreme low flow is where that expression comes from, 'extreme minimums'."

Senator Mardesich: "Why should that not apply to the power generation, navigation and/or existing water rights?"

Senator Guess: "Fisheries is a high priority. Perhaps Senator—"

Senator Mardesich: "On the contrary, this reduces it to a lower priority."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, during that colloquy, I checked with counsel and my grammar teacher and they both advised me that if you read it, it says, 'below essential extreme minimums necessary (a) to assure the existence of the fisheries, and (b) to protect the federal . . .' on down the line, so it would be 'extreme' applies to both (a) and (b)."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Gaspard yield to a question? Senator Gaspard, your amendment strikes down all laws, ordinances and rules and regulations of any type that stand in the way of this project. Is that correct?"

Senator Gaspard: "Not quite correct. My amendment changes section 6 to make some words consistent with the rest of the bill. Section 6 already does that in the proposed substitute."

Senator Rasmussen: "Well, as I read it, the permits issued under sections 3, 4 or 5—"

Senator Gaspard: "That language is already in the substitute bill that we are considering so that was not changed by my limit."

Senator Rasmussen: "Oh, then it is in the bill that there is nothing in county resolutions or city ordinances, it waives all the environmental protection."

Senator Gaspard: "This is true. I think we realize this is an emergency temporary permit, and we are giving rather broad authority to the department of ecology, and I have faith in the new director that he will carry out his discretion and good reasoning."

Senator Rasmussen: "Well, I have faith in the new director, but he is not going to be the person that is running that shovel over there. It is awful broad powers—we never ever have granted this type of waiving all laws and resolutions of local ordinances. I just wonder if that is wise. I haven't had time to really go into the bill; it is moving so fast. Maybe the House will take a closer look at it."

Senator Gaspard: "If I could further indicate the reason for the exempting of the local zoning and planning laws and the environmental policy act, we understand that if this project is not started sometime this next month, it is going to be too late."

Senator Rasmussen: "This also does away with all shoreline protection laws that we have on the books at the present time. People adopted it."

Debate ensued.

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I rise to a point of order. We have before us, as I understand it, Senator Morrison's amendment. There are three in order, and somehow we have reverted to a debate on the bill. I raise the point of order to adopt the amendments."

#### REPLY BY THE PRESIDENT

President Cherberg: "The Secretary was in the process of reading the three amendments, Senator Bottiger, when Senator Mardesich asked his question. The secretary, if there are no objections, the Senate will consider the three amendments simultaneously."

On motion of Senator Morrison, the following amendments by Senators Morrison and Bottiger were considered and adopted simultaneously:

On page 1, line 21, strike "December 31, 1978" and insert "January 22, 1979"

On page 2, line 34, strike "December 31, 1978" and insert "January 22, 1979"

On page 5, line 30, strike "December 31, 1978" and insert "January 22, 1979"

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Bottiger yield to a question? Senator Bottiger, I notice that in Second Substitute Senate Bill 2620 there is an appropriation of just over \$7.7 million from Referendum 27 money. It is my impression that this appropriation will virtually wipe out any future programs not already allocated for the development of water district facilities throughout the state. The question I have is why was the decision made to use these funds for this emergency purpose rather than putting all of the appropriation for the emergency into Senate Bill 2632?"

Senator Bottiger: "Senator Goltz, it was the sense of the committee, I believe, that the people had voted on HJR 27 bonds for public water, irrigation and municipal water systems, and that it would be our obligation to first use those funds before we went to the internal bonding capacity of the Legislature. We felt that had we gone, had we left that money on the table, in a sense, and then upped the internal bond level, HJR 52, that that would be in the same sense a breach of the faith of the people. So, it was our instructions to the several staffs that worked on this to spend 27 money first. Now, there is a difference of opinion as to whether we have spent it all. There is about twelve million dollars. We told the department of ecology if you have made a commitment to the degree that somebody is relying on that, spending their local funds, to separate that out, so there is about twelve million, while they technically have not allocated the money, have not committed it and it has not been appropriated, it is being relied on and then that is held back. That is both irrigation money and municipal water systems. This bill spends four million dollars of that unallocated fund, sets it aside on line 17 of page four, and will fund the projects that can be started by April first: Annapolis, Auburn, Bellevue, Clallam County, Clark County, East Wenatchee, Ferndale, Lacey, Medical Lake, Moses Lake, Oakville, Othello, Silverton and Tacoma will be receiving money out of this bill to get started now, and these are projects that can be handled in this biennium. The rest of the projects will wait, as Senator Donohue has said, for the capital budget. They couldn't be spent now in this biennium anyhow, and it is the decision that they wait."

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "Mr. President, again, in answer to Senator Goltz, I was off the floor for a moment, but it is my understanding in checking with staff, in answer to your question, that in the regular budget as it pertains to municipal water and irrigation under Referendum 27 that there is still approximately ten million dollars sitting there for appropriation, ten million."

On motion of Senator Gaspard, Engrossed Second Substitute Senate Bill No. 2620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Will Senator Gaspard yield to a question? Senator Gaspard, for the purpose of the record, I am referring you to page 1, line 20, the reference to public water, surface and ground. Would that include dead storage in reservoirs and in a couple of instances, reservoir lakes?"

Senator Gaspard: "Yes, it would, and just to expand maybe a little bit further, sections 4 and 5 specifically make reference to the Yakima Project. That was the first intent of the bill. However, I think all those concerned with the drought situation did not want to preclude any other area from applying for these permits. In section 3 we have, is an open, the above section allows anybody to apply for the permits, and so, yes, Senator Bottiger, the answer to your question is yes."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Gaspard yield to a question? Senator Gaspard, on page 3, line 20, you say, 'shall provide short term easements or other appropriate property interests upon the payment of fair market value.' This is in relation to state property. Does this also relate to private properties, and is the power in this bill to take private properties without using the usual course of eminent domain?"

Senator Gaspard: "On line 20, you say?"

Senator Rasmussen: "Well, that particular instance there relates to the departments or agencies having jurisdiction over state land. Does its powers of taking extend also to private lands?"

Senator Gaspard: "I think at the beginning of the sentence we say that all state departments or other agencies, so as I read it, I think it is just applies to state lands."

Senator Rasmussen: "Yes, but the overall striking down of all state laws, resolutions and ordinances has me concerned that in the haste to get this project on the way that you also have taken away private property rights. It says that you will pay the fair market value, and the only way of determining that, so of course, is through going to court and determining that. Now, unless it is intent that they use the same powers that they have under the federal highway act where they can come in and take your property and bulldoze it down, and then settle what it is worth after the evidence is gone."

Senator Gaspard: "I understand your concern, and that certainly is not the intent, nor do I read that in the language of the bill that would allow any such condemnation—"

Senator Rasmussen: "The intent is then, as I understand, there is no taking of private property without due process?"

Senator Gaspard: "That is true."

Senator Rasmussen: "I have another question. You are now proposing, by this bill, to use the reserves that lay in the various reservoirs, and in some instances you may deplete them entirely for this short period of emergency."

Senator Gaspard: "Well, it is true that we are proposing that we can use the reserves in reservoirs, but again the department of ecology has to grant the permit."

Senator Rasmussen: "I am not concerned with that phase of it. I am sure they will protect whatever fish life is in there, but my question is related to this: You are planning on using these reserves which would not normally be available. Down in section 7 you say 'nothing in this 1977 amendatory act shall authorize any interference whatsoever with existing water rights.' Under your water rights statute, the highest priority, of course, is always the longest in existence. Is this correct?"

Senator Gaspard: "Yes."

Senator Rasmussen: "Then you will be using these reserves, but those people with water rights would have a hundred percent right to first use of these reserves, all depending on where they were in the line of the irrigation project. They do at the present time, Senator Donohue,"

Senator Gaspard: "I don't think that is true—"

Senator Rasmussen: "But they do not have the rights to these reserves that are below the sluice gates. This is an emergency and should be distributed equally would be my opinion."

Senator Gaspard: "I think their assumption on the water rights, I don't believe that to be true, but if I could defer that question, possibly to Senator Bottiger, he could answer it more ably than I."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Rasmussen, as I understand it, and I haven't, I have to admit that I am not an expert on water right law, but as I understand it, the water rights are to flowing water, that if you are a riparian owner to a lake you may have withdrawal rights from the lake, but most of these reservoirs, all of them to my knowledge, are up in the mountains where nobody is irrigating around them, so there isn't, I would guess there would be little if any possibility of a water right on a reservoir lake. Now, again the department of ecology is to analyze those and if somebody objects, claiming a prior water right, they are going to have to leave them their right. They cannot constitutionally take away from them under this bill an existing water right."

#### POINT OF INQUIRY (CONTINUED)

Senator Rasmussen: "Well, Senator Bottiger, my question was directly related to pumping emergency water, not to the people around the reservoirs, but they are going to be pumping into these streams that supply some of the irrigation channels. This emergency water which you are making available by this bill should be allocated equally, not to anybody with prior rights, but in here you give them the prior right."

Senator Bottiger: "Senator Rasmussen, I didn't give them anything. They have it. Constitutionally it is property, and you can't take it away from them without condemning it. Now all the bill recognizes is that constitutional right of property in those water rights."

#### REMARKS BY SENATOR BENITZ

Senator Benitz: "Members of the Senate and Senator Rasmussen, expanding a bit further, what we are talking about is the dead storage, no way to get it out, so it would only benefit fish. Those reservoirs and that water is now owned by the irrigation districts, has been. They have built and paying for the dams if they are not paid for. This emergency legislation would allow them to put a pump in, pump it up to the sluice gates, so it would be of some value to the irrigation districts on a temporary basis, and that is the only intent. That water is owned by those irrigation districts now, but not available to them until we provide some emergency legislation."

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, a further question of Senator Benitz. Is this additional water which you are going to get be allocated on an acre foot basis equally to all people in the irrigation district or do any of them have prior rights if they happen to be on a stream that is going to connect with your irrigation channels?"

Senator Benitz: "That issue will be addressed tomorrow in Yakima by the Bureau of Reclamation and the various irrigation districts. It is a very heavy meeting. It is my understanding that Senator Jackson's office has two of his top aides there, and the Bureau of Reclamation is the agency we look to for adjudications when we run into the kind of situation we have before us now."



Senator Rasmussen: "Thank you, Senator Benitz."  
Further debate ensued.

POINT OF INQUIRY

Senator Wilson: Will Senator Benitz yield? Senator Benitz, just to clear up a couple of the points raised by Senator Rasmussen, is there anything in this bill or the companion bill that would affect existing water rights or that would affect private property rights?"

Senator Benitz: "There is nothing in this bill or in the companion bill that will affect present water rights or private property rights."

POINT OF INQUIRY

Senator Bluechel: "Would Senator Morrison yield to a question? Senator Morrison, on page 3, on line 20, it refers to short term easements that will be given by state agencies in order to have the pipeline, I assume, or other facilities built over the land. I want to pose a question here is if that land is leased to a user, the lessor, it is lessee, isn't it? What happens when the short term easement runs out? He is in a position at that time of being in a commanding position and literally can shut off the pipeline. Could you give me an example. What will happen?"

Senator Morrison: "Senator Bluechel, I believe that since everything in this particular bill is on a temporary basis, this easement is granted for this transmission of water across this property, and we are talking now exclusively about state lands. While this temporary easement is granted I am sure the private property owner could be approached through the regular powers of eminent domain. He could be satisfactorily reimbursed for the continued easement of that particular project, so I think the time period involved in this particular measure provides for the proper treatment of everyone whether they are private property owners where they are leasing state land, or in fact, it is public land being operated by the public."

Senator Bluechel: "What your answer says is that where this pipeline is obviously going to be permanent and not a temporary structure that during the time after it is built, through eminent domain, negotiations will be carried on with the tenants."

Senator Morrison: "That is right."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2620, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Voting nay: Senator Mardesich—1.

Excused: Senators Grant, Woody—2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2632.

## SECOND READING

SENATE BILL NO. 2632, by Senators Morrison and Benitz:  
Relating to water distribution projects.

## MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 2632 was substituted for Senate Bill No. 2632 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Morrison, the following amendment by Senators Morrison and Bottiger was adopted:

On page 1, line 20, strike "December 31, 1978" and insert "January 22, 1979"  
Senator Bottiger moved adoption of the following amendment:

On page 3, line 25, after "43.83B.050." strike "The" and insert "A grant or the"

Debate ensued.

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

On motion of Senator Bottiger, Engrossed Second Substitute Senate Bill No. 2632 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Morrison: "Would Senator Bottiger yield to a question, please? Senator Bottiger, I wanted to make sure it was in the record the intent of the amendment that you offered as to the share that the grant could provide for this particular funding source."

Senator Bottiger: "Senator Morrison, in the irrigation district situation, the grant money could not exceed fifteen percent. The balance of eighty-five percent in, whether it be in the loan or in the financing process, would be repayable with the same interest rate that the state is paying for the bonds that it sells."

Senator Morrison: "Thank you."

## PARLIAMENTARY INQUIRY

Senator Morrison: "Mr. President, this bonding authority is under the provisions of HJR 52. I wanted to inquire of the Chair the percentage needed for approval of this particular measure."

Further debate ensued.

## REPLY BY THE PRESIDENT

President Cherberg: "Sixty percent, Senator Morrison."

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? Pardon the delay, Mr. President. I was looking for a gleam in their eyes and they had the gleam. Senator Donohue, on page 3, starting on line 28, the department may spend funds and so forth, combination loans and grants, and then it goes on as defined in RCW, 'to satisfy the matching requirements it is the intent that this money be used. . .', and I am thinking in the case of where somebody is supposed to match the state funds with twenty-five percent local funds.

"Is is the intent of this particular section to loan them the twenty-five percent on top of what would be the other—I understand federal law provides you may not

use federal funds for matching grant as far as the state is concerned. In this case it would appear that you are going to loan the matching portion also. Is this true?"

Senator Donohue: "I think the matching portion is a, fifteen percent, is a grant. The forty percent—. Am I correct? I could be wrong. The forty percent is matching funds, and it is not any different under HJR 52 appropriations this time than it has been in the past relative to this type of construction project, Senator."

Senator Rasmussen: "This is an entirely different word. It says that they may make loans, but also to satisfy the matching requirements they may make loans. Anybody have the answer to that?"

#### POINT OF INQUIRY

Senator Benitz: "Could you give us the page and line again?"

Senator Rasmussen: "On page 3, line 30. It says you make loans and grants to satisfy the matching requirements, so in effect, if they were required to make a twenty-five percent local match, out of this you could also loan them the local twenty-five percent. Is that correct?"

Senator Benitz: "Mr. President and members of the Senate, it is the intent of this legislation to loan to the district state funds, not federal funds, for repayment and under the Referendum 27, the rule that had been used is a fifteen percent grant, and thirty-five percent loan. That would make up to the fifty percent, but that would not satisfy the situation here. So that legislation speaks to the HJR 52 providing the funds as a loan and calling them local funds for the other fifty percent because we do have to pay them back with interest."

Senator Rasmussen: "Then it is not the intent, Senator Benitz, to grant a loan for the matching portion for the local."

Senator Benitz: "Yes, it is, out of HJR 52. It is the only way we can acquire it."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2632, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Voting nay: Senator Mardesich—1.

Excused: Senators Grant, Woody—.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2632, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Wednesday, February 23, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 23, 1977.

The Senate was called to order at 10:30 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis and Woody. On motion of Senator Odegaard, Senators Francis and Woody were excused.

The Color Guard, consisting of Pages Dori Weight and Leo Van Hollebeke, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"THE PSALMIST HAS PRAYED, 'SO TEACH US TO NUMBER OUR DAYS THAT WE MAY APPLY OUR HEARTS UNTO WISDOM.' LET US PRAY. 'O GOD, WHATEVER YOUR NUMBERING SYSTEM, WE COUNT THIS DAY A SOURCE OF JOYOUS POSSIBILITY FOR US. WE THANK YOU THAT EACH OF US HAD BEEN CALLED TO SHARE IN THE GREAT EXPERIMENT OF DEMOCRACY CALLED AMERICA. WE ARE GRATEFUL FOR THIS, THE THIRD CENTURY INTO WHICH YOU HAVE LED US AS A NATION. AND WE THANK YOU FOR BOTH THE VICTORIES WON IN DAYS PAST, AND THE CHALLENGES WHICH CALL US TO WISDOM IN THE DAYS AHEAD. GRANT TO THIS BODY TODAY A GREAT SENSE OF DESTINY, AND A GREAT GIFT OF WISDOM, THAT FOR THEM, AND FOR ALL OUR CITIZENS, THIS DAY MAY BE NUMBERED AMONG THOSE LIVED IN JOYFUL RESPONSE TO YOUR CALL. MAKE ALL OF US FAITHFUL THIS DAY. IN THE 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.

### WHEAT QUEEN PRESENTED

The Washington State Wheat Queen, Laurel Hinrichs of Pullman was presented to the Senate. With permission of the Senate, business was suspended to permit Queen Laurel to address the Senate.

### REPORTS OF STANDING COMMITTEES

February 21, 1977.

SENATE BILL NO. 2069, establishing a youth service corps to promote youth employment and service to local communities (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2081, creating warrant server positions for municipal courts of large cities (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2104, authorizing salmon license limitations (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2104 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2132, raising the salary of PUD commissioners (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 Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2194, requiring cities to negotiate filing fee for justice court hearing cases involving city ordinance violations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2195, authorizing notary stamps to be smaller or rectangular (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2196, increasing civil courts filing fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2288, regulating the conduct of various censuses (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2292, increasing homestead exemption (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2315, increasing the fees for real estate brokers and salesmen's licenses (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Wojahn, Vice Chairman; Bausch, Cunningham.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2331, permitting certain traffic offenders to plea by mail rather than requiring appearances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2411, modifying the law on recreational vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Talley, Wanamaker.

Passed by Committee on Rules for second reading.

February 21, 1977.

SENATE BILL NO. 2419, excluding law enforcement officers from the prohibition on recording private communications (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2493, making miscellaneous changes in community college law (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 22, 1977.

TAUL WATANABE, to the position of member of the Board of Regents, University of Washington, appointed by the Governor on February 3, 1977 for the term ending March 9, 1982, succeeding Jack G. Neupert (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

## MESSAGE FROM THE HOUSE

February 22, 1977.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 35,  
 ENGROSSED HOUSE BILL NO. 110,  
 HOUSE BILL NO. 143,  
 HOUSE BILL NO. 186,  
 HOUSE BILL NO. 199,  
 HOUSE BILL NO. 204,  
 ENGROSSED HOUSE BILL NO. 235,  
 HOUSE BILL NO. 279,  
 ENGROSSED HOUSE BILL NO. 280,  
 SUBSTITUTE HOUSE BILL NO. 288,  
 SUBSTITUTE HOUSE BILL NO. 294,  
 HOUSE BILL NO. 321,  
 ENGROSSED HOUSE BILL NO. 338,  
 SUBSTITUTE HOUSE BILL NO. 385,  
 SUBSTITUTE HOUSE BILL NO. 396,  
 HOUSE BILL NO. 413,  
 SUBSTITUTE HOUSE BILL NO. 427,  
 ENGROSSED HOUSE BILL NO. 445,  
 HOUSE BILL NO. 585, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 35, by Representatives Heck, Hawkins, Zimmerman, Nelson (Dick) and Tilly:

Making the election of PUD commissioners conform more closely to regular non-partisan election laws.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 110, by Representatives McCormick and Patterson (by Department of Motor Vehicles request):

Correcting the distribution provision for driver's license fees.

Referred to Committee on Transportation.

HOUSE BILL NO. 143, by Representatives Shinpoch, Flanagan, Polk and Taller (by Legislative Budget Committee request):

Deleting an obsolete restriction on employment of aliens.

Referred to Committee on Labor.

HOUSE BILL NO. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 199, by Representatives Sommers, Nelson (Dick), Knedlik and Lux:

Allowing the state fire marshal access to criminal offender record information.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 204**, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Heck, Barnes, Burns, Charnley and Sherman):

Making punchcard voting more efficient and certain.  
Referred to Committee on Constitution and Elections.

**ENGROSSED HOUSE BILL NO. 235**, by Representatives Shinpoch, Polk and Thompson (by Legislative Budget Committee to Implement Performance Audit Recommendations):

Amending laws relating to public printing.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 279**, by Representatives Martinis, Wilson and Moreau:  
Allowing the director of game to determine the time and place of the drawing in special hunting seasons.

Referred to Committee on Natural Resources.

**ENGROSSED HOUSE BILL NO. 280**, by Representatives Martinis, Wilson, Moreau, Hughes, North and Schmitt:

Prohibiting an owner or harbinger of dogs to permit such dogs to pursue or injure deer or elk.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 288**, by Judiciary Committee (originally sponsored by Representatives Hanna, Knowles, Smith and Haley):

Changing certain terms and provisions of the civil commitment law.  
Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 294**, by Committee on Ecology (originally sponsored by Representatives Zimmerman, Heck and Bauer):

Authorizing historical buildings to be an exception to antipollution laws.  
Referred to Committee on Ecology.

**HOUSE BILL NO. 321**, by Representatives Adams, Haley, Kreidler, Pruitt, Fischer and Lux:

Authorizing venereal disease case investigators to perform venipuncture under certain conditions.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 338**, by Representative Eng:

Providing for the removal of bank officers and bank cease and desist orders by the supervisor.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 385**, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Burns and Grier):

Permitting life insurance purchaser to cancel without charge within ten days.  
Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 396**, by Judiciary Committee (originally sponsored by Representatives Tilly and Smith) (by Judicial Council request):

Pertaining to selection of jurors.  
Referred to Judiciary Committee.

**HOUSE BILL NO. 413**, by Representatives Knedlik, Knowles and Enbody (by Judicial Council request):

Increasing witness fees.  
Referred to Judiciary Committee.



SUBSTITUTE HOUSE BILL NO. 427, by Committee on Transportation (originally sponsored by Representatives Berentson, Vrooman, Moreau and Gallagher):

Funding county operated ferries.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 445, by Representatives Smith, Enbody and Leckenby:

Revising law relating to eminent domain.

Referred to Judiciary Committee.

HOUSE BILL NO. 585, by Representatives Erickson, Burns and Chandler:

Providing that each state college board of trustees have a treasurer who shall be bonded.

Referred to Committee on Higher Education.

### MOTION

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

### SECOND READING

SENATE BILL NO. 2159, by Senators Woody, Clarke, Day, Sellar and Hayner:

Permitting a counterclaim for malicious prosecution in the principal action.

### REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2159, permitting a counterclaim for malicious prosecution in the principal action (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10, after "false" insert a comma

On page 1, line 10, after "unfounded" insert ", and with malice,"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Francis, Herr, North, Wojahn.

The bill was read the second time by sections.

On motion of Senator Day, the first committee amendment was adopted.

On motion of Senator Day, the second committee amendment was not adopted.

On motion of Senator Day, the following amendments were adopted:

On page 1, line 7, after "a" insert "claim or"

On page 1, line 9, before "action" strike "principal"

On page 1, line 10, after "unfounded" insert ", malicious"

On page 1, line 10, after "false" insert a comma

On motion of Senator Day, Engrossed Senate Bill No. 2159 was advanced to third reading, the second 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. 2159, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh,

Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Voting nay: Senator Van Hollebeke—1.

Excused: Senators Francis, Woody—2.

ENGROSSED SENATE BILL NO. 2159, having received the constitutional majority, was declared passed. 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 Engrossed Substitute Senate Bill No. 2112.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2112, by Senators Wilson, Sellar and Henry:

Modifying civil service appointment procedures for sheriffs' offices and authorizing unclassified positions.

#### MOTION

On motion of Senator Wilson, Engrossed Substitute Senate Bill No. 2112 was returned to second reading.

On February 21, 1977, the following amendment by Senator Wilson was adopted:

On page 4, line 19, after "meeting." insert the following: "Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it be occupied, the position shall remain under the classified civil service until the civil servant occupying it at the time of the selection vacates that position:"

#### MOTION FOR RECONSIDERATION

On motion of Senator Bottiger, the Senate moved to reconsider the vote by which the amendment by Senator Wilson was adopted.

Senator Bottiger moved adoption of the following amendment by Senator Bottiger to the amendment by Senator Wilson:

On page 4, line 22, of the engrossed bill, being line 7 of the Wilson amendment to page 4, line 19, after "occupied," strike the balance of the amendment and insert "the employee occupying said position shall have the right to return to the next highest position or a like position under classified civil service:"

Debate ensued.

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

The President declared the question before the Senate to be adoption of the amendment by Senator Wilson as amended by Senator Bottiger on reconsideration.

The amendment by Senator Wilson, as amended by Senator Bottiger, was adopted.

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

On page 4, after line 28, insert a new section as follows:

"NEW SECTION. Sec. 3. Any classified employee having civil service status in a position may take an appointment in an exempt position with the right to return to their regular position or to a like position at the conclusion of such appointment. Such employee must apply to return to classified service within 30 calendar days of:

1. Termination of employment in such exempt position, or
2. Termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in their service with the county of more than 30 calendar days."

Renumber remaining section consecutively.

Senator Grant moved adoption of the following amendment:

On page 4, line 17, strike all of old section 3 and renumber accordingly.

Debate ensued.

The motion failed and the amendment was not adopted.

On motion of Senator Wilson, Reengrossed Substitute 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 Reengrossed Substitute Senate Bill No. 2112 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker—41.

Voting nay: Senators Grant, Pullen, Talley, Washington, Wilson, Wojahn—6.

Excused: Senators Francis, Woody—2.

REENGROSSED SUBSTITUTE 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.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2317.

### SECOND READING

SENATE BILL NO. 2317, by Senators Francis and Scott:

Increasing the period for which judgments may be revived and amending the method for revival of judgments.

The bill was read the second time by sections.

Senator Hayner moved adoption of an amendment to page 1, line 8 but withdrew that motion and moved adoption of the following amendment by Senators Hayner and Francis:

On page 1, line 16, after "**provided**)" strike all matter through "act." on line 28 and insert:

"The provisions of this act are intended to be procedural and remedial and shall be retroactive to the extent necessary to prevent any judgement on which the statute of limitations has not expired as of the effective date of this 1977 amendatory act from expiring prior to time periods allowed in this act."

### POINT OF INQUIRY

Senator Lewis: "Would Senator Hayner yield, please? Senator Hayner, today when people enter into a debt, a contractual arrangement, obligate themselves, don't they normally have three days now, in a lot of instances, in which to reconsider and

invalidate the contract or say, 'No, I have changed my mind, I don't want to go into this arrangement'?"

Senator Hayner: "Well, there are sometimes arrangements such as that, yes."

Senator Lewis: "Could you explain to me the philosophy of why a debt entered into, which is a little different than a criminal action or court case as to a statutory limitation, can you explain to me the philosophy of why, if I enter into a debt, I incur that debt, I get services or goods, what in the world limits me from having that obligation forever. Why shouldn't I have it forever?"

#### POINT OF ORDER

Senator Bailey: "Mr. President, I raise a point of order. The floor has been filled with questions that are not questions in the last few days. The record is getting full of philosophy and things like that, and I think that we should confine our questions to answering a simple question relating to the bill and not arguments for it or against it."

#### REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Mr. President, does that refer to both sides of the aisle, then? It seems like we are always the ones that are caught on the end of your point of order, and I have been a little bit upset over the last few days of the questions on the other side of the aisle, also"

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Senator Newschwander, I intend to raise this point of order against everyone. I got a little upset, myself."

#### RULING BY THE PRESIDENT

President Cherberg: "The point of order as presented by Senator Bailey is well taken."

Further debate ensued.

The motion by Senator Hayner carried and the amendment by Senators Hayner and Francis was adopted.

Senator Hayner moved the following amendments by Senators Hayner and Francis be considered and adopted simultaneously:

On page 1, line 8 after "~~((six))~~" strike "ten" and insert "twelve", and

On page 1, line 14 after "~~((six))~~" strike "ten", and insert "twelve", and

Debate ensued.

The motion by Senator Hayner carried and the amendments by Senators Hayner and Francis were adopted on a rising vote.

On motion of Senator Marsh, Engrossed Senate Bill No. 2317 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Bailey: "Mr. President, it is too late, but I want to raise a point of order. This, again, is not the type of question you usually ask. 'Why is a bill necessary and what is the purpose of it,' and this sort of thing. It would seem that we should be having debate on the bill, for or against it, I think it is something we should stop."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Bailey's remarks are well taken."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2317, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Marsh, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington—23.

Voting nay: Senators Bailey, Bausch, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Matson, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Talley, Walgren, Wilson, Wojahn—24.

Excused: Senators Francis, Woody—2.

ENGROSSED SENATE BILL NO. 2317, having failed to receive the constitutional majority, was declared last.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2115.

## SECOND READING

SENATE BILL NO. 2115, by Senators McDermott, Donohue, Buffington, Fleming and Francis:

Appropriating funds for desegregated purposes to a school district with an enrollment of 50,000 pupils.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2115 was substituted for Senate Bill No. 2115 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, Substitute Senate Bill No. 2115 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator McDermott yield to a question? Senator McDermott, I take it, one, that this bill has not been to ways and means. It has been?"

Senator McDermott: "This bill was heard in a joint session by both the education committee and the ways and means. Senator Donohue and I worked together in drawing the bill and felt that we could save a hearing in the ways and means committee at this point since you are working on the budget, and that is why we had joint hearings."

Senator Bottiger: "The second question, the Seattle school board has not seen fit to close some schools through nonattendance and achieve segregation in that way? Is that correct?"

Senator McDermott: "This bill does not speak to any means by which they could integrate the system. The answer to your specific question, I am not aware of them having seen fit to close schools such as they did in Tacoma—you mean the McCarver kind of situation? That has not occurred."

Further debate ensued.

#### POINT OF INQUIRY

Senator Beck: "Thank you, Mr. President, would Senator McDermott yield to a question? Senator McDermott, I have always thought that the money we put in the URRD program was money well spent. The URRD program distributes these funds to all of the children in all the states who are deprived. Just what are we going to use this million dollars for?"

Senator McDermott: "Well, Senator Beck, I think a little bit of history is necessary. Dr. Moberly came to Seattle. Seattle had a levy failure. We are in the midst of, not a fat period in school funding, but a very slim period. If you go back in history, Tacoma, when they began their program in the late sixties had the times when one could pass a levy with not so much difficulty, and at this point, Seattle is down to bare bones budgets. There isn't any question to anybody who looks at it that there isn't any fat in the budget. So when you start to develop new programs like the magnet school program. That is putting special programs in schools to attract people from different parts of the city, then you have to have some additional money. There is also some money necessary in terms of training staff to deal with the problems that go with this kind of program.

"The program is not firmly developed at this point. The school district is also going to use some of this money to involve the community in producing what the community wants. They are not going to try to shove a program down a community's throat, but rather to involve them in the planning, so the money will be used in a number of these areas as they gear up for next school year."

#### POINT OF INQUIRY

Senator Wilson: "Would Senator McDermott yield? I have two brief questions, Senator McDermott, the first is, is this envisioned as a one-time appropriation or is there the likelihood of continued additional support to Seattle with respect with desegregation efforts?"

Senator McDermott: "This is envisioned as a one-time appropriation. We see it as the state's statement that desegregation is going to occur, that failure to vote for the levy won't stop desegregation efforts, that nothing is going to stop that kind of thing occurring. It is already set in motion, and the state wants to add their support, that this should occur on a voluntary basis, but we want to initiate the process rather than having it thrust upon us by someone from the outside."

Senator Wilson: "The second question pertains to the provision for a reduction in a special levy in the amount of the state help if a levy is carried. I wonder if you could discuss the rationale for that further, and particularly speaking to the question as to why the—"

#### POINT OF ORDER

Senator Bailey: "Again, I raise the question of whether these are questions or are we debating the bill."

## POINT OF INQUIRY (CONTINUED)

Senator Wilson: "Will you please explain that provision of the bill again?"

Senator McDermott: "The provision says that if a levy passes the district shall place a priority. Senator Donohue and I had a long argument about how we could word this to say that we did not just want to give Seattle an extra million dollars to fatten up their budget. If they have more money than they need, and they adopted a resolution—"

## POINT OF ORDER

Senator Bailey: "Point of order on the questions and answers. If you are debating and explaining, I think is one thing and you don't have to put it in the record, but if you are going to put all these miscellaneous notes and questions on the bill in the record, we might as well start recording all conversations on the floor and putting that in the record, too."

## POINT OF INQUIRY (CONTINUED)

Senator McDermott: "I am not quite sure how to respond to that except you don't have to put it in the record. I will just answer Senator Wilson's question. The issue is that we wanted to make it clear to the Seattle school district and their administration that we did not want this to be just a kind of bonus for them, but that it must go for this. If they had more money than they needed, by resolution that they have adopted as to their budget, then they should roll it back."

## PARLIAMENTARY INQUIRY

Senator Washington: "Isn't it possible for someone to answer a question and it not be put in the record? I have found several of these questions and answers to be very enlightening, and I suggest that there be some way established so that a question can be asked without having it put in the record. Maybe there is some procedure that we have to go through, but I felt that some of these questions were good and are helping us to come to a conclusion."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, in answer to Senator Washington, as you know, we have not adopted our rules here as far as the Senate is concerned. I know that you are concerned with some other rules, and I would suggest that you prepare a rule to this effect that you may present first to the caucus and then to the Senate floor."

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "With the leave of the Senate and out of order, I would move that questions be not entered into the record except by request of the questioner."

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, I don't care if my question is in the record or not, would Senator McDermott yield to a question? Senator McDermott, would any of the state appropriation go to the actual transportation program for this purpose?"

Senator McDermott: "It was our intention to give them the greatest flexibility to use this money as they saw to be appropriate. We did not want to restrict them in

any way if there was some reason to provide transportation for people who wanted to voluntarily transfer. We didn't see any reason why we should exclude them from using it in what seemed to them to be the most flexible way. We didn't feel in the committee that we were knowledgeable enough about it to say, 'You must use it for magnet programs to teach French or any sort of specific.'"

Senators Talley, Sandison and Matson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2115.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2115, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Ridder, Sandison, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson—31.

Voting nay: Senators Bausch, Bottiger, Clarke, Cunningham, Guess, Hayner, Jones, Mardesich, Newschwander, Peterson, Pullen, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Wojahn—16.

Excused: Senators Francis, Woody—2.

SUBSTITUTE SENATE BILL NO. 2115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 1:50 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Thursday, February 24, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FORTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 24, 1977.

The Senate was called to order at 10:30 a.m., by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 11:00 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley and Woody. On motion of Senator Odegaard, Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley and Woody were excused.

The Color Guard consisting of Pages Julie Roberts and Mike Murphy, presented the Colors. Reverend Paul J. Beeman pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, WHILE THE SPLENDOR AND GLORY OF GOD IS FELT IN THE WARM SUNSHINE OF A BRIGHT CLEAR DAY LIKE THIS ONE, THERE IS NOWHERE WE SENSE YOUR PRESENCE QUITE SO MUCH AS IN A DIFFICULT TASK, STUDIED, WORKED AT, AND BROUGHT TO SUCCESSFUL COMPLETION, AS WE THANK YOU FOR THE RAIN, AND FOR THE SUNSHINE, WE THANK YOU EVEN MORE FOR THE CHALLENGES WHICH THIS DAY HOLDS. YOU GIVE US STRENGTH WHEN WE ARE WEAK. YOU GIVE US PATIENCE WHEN THOSE ABOUT US MAKE DEMANDS ON TIME AND ENERGY WE CANNOT AND WILL NOT FULFILL. YOU GIVE US A QUIET MIND WHEN THE SCHEDULE RUNS BEYOND OUR PANTING PACE'S ABILITY TO KEEP UP. YOU GIVE US THE SENSE OF DESTINY WHICH HOLDS US TO TRYING TASKS YET TO BE COMPLETED. YOU ARE OUR STRENGTH, LORD. WE CLAIM IT FOR TODAY. IN THE MASTER'S NAME. SO BE IT."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 22, 1977.

SENATE BILL NO. 2034, making various changes in election laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2034 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Hayner, Lewis, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2061, regulating proprietary hospitals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2160, authorizing certain contracts for school districts and educational service districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2202, regulating funds and properties managed by the department of natural resources (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2269, authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

February 16, 1977.

SENATE BILL NO. 2284, regulating the transfer of state forest lands to counties for park purposes (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Wanamaker.

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2285, revising the law on the disclosure of public records (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2285 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Hayner, Lewis, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2359, regulating bicycles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2364, establishing a pilot project on bicycles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2460 authorizing hostels (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Odegaard.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2516, revising the laws relating to apiaries (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE BILL NO. 2678, authorizing additional distribution of the computer tape on state-wide registered voters (reported by Committee on Constitution and Elections):

MAJORITY recommendations: Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Hayner, Lewis, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2924, creating a department of transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2924 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE JOINT MEMORIAL NO. 108, requesting a reduction in federal supervision of the state grain inspection program (reported by Committee on Agriculture):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 22, 1977.

SENATE JOINT RESOLUTION NO. 108, amending the constitution to permit legislators to hold a civil office notwithstanding that he served in a legislature which increased the emoluments thereof so long as the emoluments he receives are at the level designated prior to the increase (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Hayner, Lewis, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1977.

ENGROSSED HOUSE BILL NO. 55, revising regulation and support of stream patrolmen (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Benitz, Day, Wanamaker, Wilson.  
Passed to Committee on Rules for second reading.

February 22, 1977.

ENGROSSED HOUSE BILL NO. 98, establishing thermal performance standards for new dwellings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

February 23, 1977.

HOUSE BILL NO. 136, repealing certain obsolete laws relating to agricultural conservation (reported by Committee on Agriculture):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

February 23, 1977.

Mr. President: The House passed:

HOUSE BILL NO. 376,

ENGROSSED HOUSE BILL NO. 386, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 376, by Representative Martinis:

Removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 386, by Representatives Douthwaite and Grier:

Revising law relating to property insurance in connection with credit of debt.

Referred to Committee on Financial Institutions and Insurance.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Resolution No. 109.

### SECOND READING

SENATE JOINT RESOLUTION NO. 109, by Senators Donohue, Mardesich, Woody, Scott and Odegaard:

Pertaining to state debt limitations.

The resolution was read the second time in full.

On motion of Senator Donohue, Senate Joint Resolution No. 109 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. 109, and the resolution failed to pass the Senate by the following vote: Yeas, 30; nays, 10; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Gould, Guess, Hayner, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Sellar, Walgren, Wanamaker, Wilson—30.

Voting nay: Senators Bausch, Bluechel, Goltz, Mardesich, McDermott, Murray, Ridder, Van Hollebeke, Washington, Wojahn—10.

Absent or not voting: Senators Henry, von Reichbauer—2.

Excused: Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley, Woody—7.

SENATE JOINT RESOLUTION NO. 109, having failed to receive the constitutional two-thirds 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 Senate Joint Resolution No. 109 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 2208, by Senators Gaspard, Wilson and Benitz:

Amending miscellaneous agricultural laws relating to weeds, seeds, marketing agreements, horticultural districts, and weights and measures.

The bill was read the second time by sections.

On motion of Senator Gaspard, Senate Bill No. 2208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Gaspard yield to a question? Senator Gaspard, you mentioned it would change the notification and election of the noxious weed boards. Could you tell me just how it would change that notification?"

Senator Gaspard: "Yes, the department requested this change. Right now it is rather unworkable in that notice has to be given to all of the owners of the agricultural lands in the county where they are subject to the assessments, and this is being done by notice of mail, and they are changing this — the last public notice of the meeting would be published in the papers at least ten days prior to the meeting rather than giving out a written notice to every land owner."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2208, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley, Woody—7.

SENATE BILL NO. 2208, having received the constitutional majority, was declared passed. 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. 2057.

#### SECOND READING

SENATE BILL NO. 2057, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Bringing various laws dealing with motor vehicle operators into accord with current practices.

The bill was read the second time by sections.

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

On page 4, beginning on line 34, strike "within a five year period"

On motion of Senator Guess, Engrossed Senate Bill No. 2057 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. 2057, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Wojahn—38.

Voting nay: Senators Odegaard, Washington, Wilson—3.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley, Woody—7.

ENGROSSED SENATE BILL NO. 2057, having received the constitutional majority, was declared passed. 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. 2174 was ordered placed on today's second reading calendar following Senate Bill No. 2344.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2014.

## SECOND READING

SENATE BILL NO. 2014, by Senators Wilson and Jones:  
Removing obsolete provisions of laws relating to Indians.

The bill was read the second time by sections.

On motion of Senator Wilson, Senate Bill No. 2014 was advanced to third reading, the second 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. 2014, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senators Benitz, von Reichbauer—2.

Excused: Senators Bottiger, Fleming, Francis, Grant, Peterson, Talley, Woody—7.

SENATE BILL NO. 2014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2201, by Senators McDermott, Murray and Gaspard (by Superintendent of Public Instruction request):

Implementing law relating to transportation of pupils in common schools and reimbursement to school districts therefor.

The bill was read the second time by sections.

On motion of Senator McDermott, Senate Bill No. 2201 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. 2201, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bottiger, Francis, Grant, Peterson, Talley, Woody—6.

SENATE BILL NO. 2201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2314, by Senator Sellar:  
Increasing county auditor's fees for official services.  
The bill was read the second time by sections.

On motion of Senator Sellar, Senate Bill No. 2314 was advanced to third reading, the second 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. 2314, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators Cunningham, Matson—2.

Excused: Senators Bottiger, Francis, Grant, Peterson, Talley, Woody—6.

SENATE BILL NO. 2314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2063, by Senators Odegaard, Clarke, Donohue, Woody, Scott and Wilson (by Legislative Budget Committee request):  
Requiring fiscal impact statements on proposed legislation.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2063 was substituted for Senate Bill No. 2063 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, Substitute Senate Bill No. 2063 was advanced to third reading, the second 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. 2063, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bottiger, Francis, Grant, Peterson, Talley, Woody—6.

SUBSTITUTE SENATE BILL NO. 2063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 2133, by Senators Scott, Newschwander, Odegaard and Clarke (by Legislative Budget Committee request):

Revising laws on reports by state government agencies and officials.

## REPORT OF STANDING COMMITTEE

February 7, 1977.

SENATE BILL NO. 2133, revising laws on reports by state government agencies and officials (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 14, after line 24, insert a new section 11 as follows:

"Sec. 11. Section 12, chapter 239, Laws of 1949 and RCW 18.74.120 are each amended to read as follows:

The director of ~~((licenses))~~ motor vehicles is authorized to adopt reasonable rules and regulations to carry this chapter into effect and may amend and revoke such rules at his discretion. The director of ~~((licenses))~~ motor vehicles shall keep a record of proceedings under this chapter and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and certificate as a registered physical therapist. The director of ~~((licenses))~~ motor vehicles shall, during the month of April of every year in which the renewal of registration is required, ~~((compile))~~ publish a list of registered physical therapists authorized to practice physical therapy in the state and shall ~~((mail))~~, upon request, furnish a copy of that list to the prosecuting attorney of ~~((each))~~ any county, to the superintendent of ~~((each known))~~ any hospital in the state, and ~~((every))~~ to any physician licensed in this state to practice medicine and surgery (~~(Any interested person in the state is entitled to obtain a copy of that list on application to the director of licenses and))~~: PROVIDED, That such lists shall be furnished by the director upon payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished."

Renumber the following sections consecutively.

On page 40, line 20, after "recreation" strike ", the director of the veterans' rehabilitation council" and insert "~~((the director of the veterans' rehabilitation council))~~"

On page 43, line 22, after "institution;)" and before "financial" insert "and other political subdivisions."

On page 45, beginning on line 15, strike all of old-numbered section 43 and insert a new section as follows:

"Sec. 44. Section 2, chapter 189, Laws of 1971 ex. sess. as amended by section 98, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.360 are each amended to read as follows:

The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) ~~((veteran's affairs; (4)))~~ children and youth services; ~~((5))~~ (4) blind services; ~~((6))~~ (5) services to the aging; ~~((7))~~ (6) medical and health care; ~~((8))~~ (7) drug abuse and alcoholism; ~~((9))~~ (8) social services; ~~((10))~~ (9) economic services; ~~((11))~~ (10) vocational services; ~~((12))~~ (11) rehabilitative services; ~~((13))~~ (12) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from

both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

~~((The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate.))"~~

In the title, page 1, line 18, after "18.43.035;" and before "amending" insert "amending section 12, chapter 239, Laws of 1949 and RCW 18.74.120;"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the following amendments were adopted:

On page 75, strike all of line 16 down through and including "†" on line 20 and insert:

"The forester may, with the approval of the board, publish for free distribution, information pertaining to forestry, and to forest products, which he may consider of benefit to the people of the state.

((†"

On page 75, strike all of line 30 down through and including all of line 35 and insert:

"The forester shall, subject to the approval of the board, prepare all necessary printed forms for use of wardens and rangers, in connection with the granting of applications for permits to burn; for the appointment of wardens and rangers, and any and all forms or blanks required or desirable, and shall supply each warden and ranger with such forms and blanks."

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, Engrossed Senate Bill No. 2133 was advanced to third reading, the second 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. 2133, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bottiger, Francis, Grant, Peterson, Talley, Woody—6.

ENGROSSED SENATE BILL NO. 2133, having received the constitutional 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 12:25 p.m., on motion of Senator Walgren, 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 1:45 p.m.

#### MOTION

On motion of Senator Rasmussen, Senator Odegaard was excused.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2386.

#### SECOND READING

SENATE BILL NO. 2386, by Senators Beck, Sellar and Wanamaker (by Department of Highways request):

Modifying procedures for construction and maintenance of highways.

The bill was read the second time by sections.

Senator Guess moved adoption of the following amendment:

On page 2, section 2, line 20, beginning with "Sec. 3." strike the remainder of the act.

Debate ensued.

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

#### MOTIONS

On motion of Senator Jones, Senator Benitz was excused.

On motion of Senator Beck, Senate Bill No. 2386 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, with the permission of Senator Bailey, I would like to ask Senator Beck a question. I like to honor him while he is here. Senator Beck, this would prevent a person from doing anything with his property for a period of two years. Is that correct?"

Senator Beck: "For a period of one year from the time the plan has been filed with the county auditor."

Senator Rasmussen: "Have you ever gone toward Seattle where the Kingdome is?"

Senator Beck: "Yes, I have been in the area."

Senator Rasmussen: "Can you recall those unended bridges that are sticking out there? Now if the highway department would come along and file a plan and

say, 'This is where the highway is going to be,' and it was in a commercial, or business area, it would be prohibited, then, from doing anything with their property but that the highway department could continue to hold that property forever and prevent the individual that owns it from developing it. Is this right?"

Senator Beck: "No, Senator Rasmussen, you are bringing another entirely different subject into this bill. Those dead ends that you see in Seattle up there were built at the time there they intended to build the highway. We did not have a law here saying that the plan had to be filed with the King County auditor at the time. The people could come along and claim damages there, but now that plan has been stopped. Those highways are not even on the plan now. The highway department has to come around within a year's time from the time they file that plan and make an attempt to acquire the property, either through negotiation or by condemnation proceedings. After one year then the property owner is free to do anything that he wants to with his property."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2386, and the bill failed to pass the Senate by the following vote: Yeas, 12; nays, 29; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Gaspard, Goltz, Henry, Marsh, Sellar, Walgren, Wanamaker, Washington, Wilson—12.

Voting nay: Senators Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Wojahn—29.

Excused: Senators Benitz, Bottiger, Francis, Grant, Odegaard, Peterson, Talley, Woody—8.

SENATE BILL NO. 2386, having failed to receive the constitutional majority, was declared lost.

### SECOND READING

SENATE BILL NO. 2439, by Senators Buffington, Henry and Guess:

Extending the obligation of urban arterial trust funds for one more year.

The bill was read the second time by sections.

On motion of Senator Buffington, Senate Bill No. 2439 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Walgren: "Will Senator Buffington yield, please? Senator Buffington, if this bill is not passed, what will happen to those urban arterial funds?"

Senator Buffington: "Senator Walgren, the urban arterial board has requested cities within three counties where the urban arterial board moneys can be used, Snohomish, Pierce and King, to give out their six year plan for construction of new facilities, bridges and highways. The urban arterial board would then take those moneys and distribute them, then, to one of the projects, or more of the projects within those three counties. These monies cannot be used throughout the remainder of the state, just in those three counties."

Senator Walgren: "You left out that other little county—"

Senator Buffington: "I am so sorry, Senator."

Senator Walgren: "What will happen to the forward thrust fund if this bill does not pass, the forward thrust fund that you say would be joined with the urban arterial funds?"

Senator Buffington: "They will be distributed for projects throughout the Seattle area."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2439, and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senators Gaspard, Mardesich, Scott, Wojahn—4.

Excused: Senators Benitz, Bottiger, Francis, Grant, Odegaard, Peterson, Talley, Woody—8.

SENATE BILL NO. 2439, having received the constitutional 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 2:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Friday, February 25, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 25, 1977.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:54 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Fleming, Francis, Sandison, Walgren and Woody. On motion of Senator Odegaard, Senators Bottiger, Fleming, Francis, Sandison, Walgren and Woody were excused.

The Color Guard, consisting of Pages Sheila Mead and Mark Leth, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, AS WE HAVE ENTERED AGAIN THE SEASON OF LENT, WE REMEMBER THE FORTY DAYS OF JESUS' TEMPTATION IN THE WILDERNESS, AND WE REMEMBER OUR OWN TEMPTATIONS. WE ARE TEMPTED AT TIMES TO GO INTO TRAINING AND GET LOADED WITH EQUIPMENT JUST TO CLIMB A MOLEHILL. AND WE SO OFTEN START OUT QUITE UNPREPARED TO SCALE PROBLEMS AS HIGH AS MOUNT RAINIER.

"ON THIS UNUSUALLY HECTIC DAY, THE WISDOM TO KNOW THE DIFFERENCE BETWEEN THE GARGANTUAN TASKS WHICH DEMAND OUR KEENEST INTELLECT, AND THE TRIVIA WHICH ALWAYS APPEARS BIGGER WHEN IT IS CLOSE AT HAND, LET US NOT BE TEMPTED BY THE TEMPORARY, OR ENTRAPPED BY THE TRIVIAL. BUT AS WE CELEBRATE LENT, LET IT BE WITH THE AWARENESS OF YOUR GUIDANCE, LEADING US TO GIVE OUR ATTENTION TO THOSE ISSUES WHICH WILL INFLUENCE OUR OWN LIVES, AND THOSE WE LOVE, AND ALL OUR CITIZENS, FOR THE GOOD. IN THE MASTER'S NAME. SO BE IT."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 24, 1977.

SENATE BILL NO. 2111, doubling the amount of reimbursement allowed from counties to the Washington State association of county officials (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, McDermott, Sellar.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senator North.

Passed to Committee on Rules for second reading.

February 25, 1977.

SENATE BILL NO. 2168, establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Mardesich, Marsh, Morrison, Newschwander, Sandison, Scott.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2276, providing state aid for hemophilia victims (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2401, making changes in the senior citizens' services act (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: President Cherberg, Chairman; Bailey, Clarke, Fleming, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Walgren.

Referred to Committee on Ways and Means.

February 25, 1977.

SENATE BILL NO. 2435, providing for disposition of operating fees charged at institutions of higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2435 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bailey, Clarke, Jones, Marsh, Morrison, Murray, Newschwander, Sandison, Scott.

Passed to Committee on Rules for second reading.

February 23, 1977.

SENATE BILL NO. 2443, establishing an additional purpose and function of the board of electrical examiners and creating the department of labor and industries, division of building and construction safety inspection services revolving fund (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2466, permitting the top two candidates from nonpartisan primaries to be on the general election ballot (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Hayner, Lewis, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2472, changing the law on recreational vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2475, implementing law relating to health care insurance (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2475 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Herr, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2476, permitting political parties to nominate members for the public disclosure commission (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Beck, Hayner, Lewis, Pullen.

Passed to Committee on Rules for second reading.

February 25, 1977.

SENATE BILL NO. 2558, renaming the department of motor vehicles (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2558 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 25, 1977.

SENATE CONCURRENT RESOLUTION NO. 111, naming the next state ferry "Snohomish" (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, February 24, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 24, 1977, Governor Ray approved the following Senate bill entitled:



SUBSTITUTE SENATE BILL NO. 2056: AN ACT Relating to revenue and taxation for the common schools.

Sincerely,  
**JOE ZASPEL**  
 Legislative Assistant.

MESSAGES FROM THE HOUSE

February 24, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 25, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 24, 1977.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 73,  
 SUBSTITUTE HOUSE BILL NO. 79, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 73, by Representatives Ehlers, Nelson (Gary), Bauer and Burns:

Implementing law relating to state agency housing.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 79, by Committee on Local Government (originally sponsored by Representatives Erickson and Knedlik):

Permitting large counties to have five county commissioners.

Referred to Committee on Local Government.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 25, by Representatives Lysen and Pardini:

Extending the consideration date for emergency energy measures.

MOTIONS

Senator Marsh moved that House Concurrent Resolution No. 25 be held on the Secretary of the Senate's desk for introduction on Monday, February 28, 1977.

Senator Mardesich moved that House Concurrent Resolution No. 25 be referred to the Committee on Rules.

Debate ensued.

The motion by Senator Marsh failed on a rising vote.

House Concurrent Resolution No. 25 was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 2322, by Senators Francis and Scott:

Providing for extension of judgments in justice courts.

MOTION

On motion of Senator Marsh, Senate Bill No. 2322 was rereferred to the Judiciary Committee.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2169.

## SECOND READING

SENATE BILL NO. 2169, by Senators Talley and Peterson:

Amending law authorizing disposal of gravel and sand from state shorelands onto private property.

## MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2169 was substituted for Senate Bill No. 2169 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, Substitute Senate Bill No. 2169 was advanced to third reading, the second 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. 2169, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bottiger, Fleming, Francis, Sandison, Walgren, Woody—6.

SUBSTITUTE SENATE BILL NO. 2169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2184, making certain changes in the laws relating to the registration of contractors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25, after "becomes" and before "impaired" strike "fully"

On page 1, line 27, after "not" and before "impair" strike "fully"

On page 3, line 5, after "becomes" and before "impaired" strike "fully"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Day, the following amendment by Senators Day, Donohue, Matson and Herr was adopted:

On page 1, line 12, after "((two))" strike "seven" and insert "four"

Senator Day moved adoption of the following amendment by Senators Day, Donohue, Matson and Herr:

On page 1, line 14, strike "five" and insert "two"

Senator Bluechel moved adoption of the following amendment to the amendment by Senators Day, Donohue, Matson and Herr:

Amend the amendment to page 1, line 14 as follows:

Strike "two" and insert "one" and after "thousand" insert "five hundred"

Debate ensued.

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

The motion by Senator Day carried and the amendment by Senators Day, Donohue, Matson and Herr was adopted.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich, Peterson and Matson:

On page 1, line 24, after "bond" strike all the material through "impaired" on line 25 and insert "until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with"

### POINT OF INQUIRY

Senator Grant: "Will Senator Mardesich yield? Senator Mardesich, would you tell me approximately how many contractors might be affected in the event your amendment is adopted?"

Senator Mardesich: "I would suspect only those contractors who—there are a number of contractors who would be affected if they were in default. If they were not in default, of course it would not affect them, and that is the real answer to the question. This affects only those people who go into a default position on their debts."

Senator Grant: "You have no idea of how many that might be?"

Senator Mardesich: "Well, I was shown a list down in Rules the other day when I was raising questions with respect to this measure of default situations where bonds had to be called upon, and that list was, I would guess, about twenty-five or thirty long. I assumed that would be the type of person we would be talking about, not the regular mass of contractors, the vast number. I have no idea of how many there are. It could be five or six thousand that would not be affected unless they defaulted on the job."

The motion by Senator Mardesich carried and the amendment by Senators Mardesich, Peterson and Matson was adopted.

Senator Marsh moved Senate Bill No. 2184 be advanced to third reading.

### MOTION

On motion of Senator Matson, Senate Bill No. 2184, as amended, was ordered held on the second reading calendar for February 28, 1977.

### SECOND READING

SENATE BILL NO. 2032, by Senators Beck and North:

Establishing procedures for organization of minor political parties.

### MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2032 was substituted for Senate Bill No. 2032 and the substitute bill was placed on second reading and read the second time in full.

Senator Grant moved adoption of the following amendment:

On page 5, line 15, after "PROVIDED," insert "That if any nominee of a minor political party for a partisan office is elected to such office, then such minor political party shall continue in existence until the expiration of the term of that office: PROVIDED FURTHER,"

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Grant yield: "This would mean the candidate would have to be elected to a federal or a statewide office. Is that correct?"

Senator Grant: "No, that is not correct."

Senator Wilson: "Would it apply to county office?"

Senator Grant: "It would apply to legislative offices, I know, and I believe, to almost any office. That is my understanding, at least."

Senator Wilson: "Then if one candidate from a minor party, oh for example, elected a county commissioner somewhere, that would keep the party alive on the ballot until his term of office expired."

Senator Grant: "That is correct."

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

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

On page 5, after line 17, insert a new section as follows:

"NEW SECTION. Sec. 8. There is added to chapter 29.18 RCW a new section to read as follows:

A minor political party wishing to designate presidential electors and nominate candidates for the positions of president and vice president of the United States shall do so at a convention conducted pursuant to the rules of that minor political party adopted pursuant to RCW 29.42.010, as now or hereafter amended. Such convention shall be held not later than two months prior to the state general election. A report of the convention, containing the following items, shall be filed with the secretary of state not later than one week following the date of the convention:

(1) The name of each person nominated, his residence, and the office to which he is nominated, together with a sworn statement of each nominee giving his consent to said nomination; and

(2) The name and residence of each person elected to the position of or designated to be a presidential elector.

The report of the convention shall be verified by the oaths of the presiding officer and secretary."

Renumber the sections following consecutively, and correct internal references accordingly.

On motion of Senator Grant, Engrossed Substitute Senate Bill No. 2032 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 Grant yield to a question? Senator Grant, in your deliberations in the committee, was any discussion held regarding putting a perjury penalty on filing as an indigent?"

Senator Grant: "Senator Rasmussen, we did discuss filing fees generally. We did not do anything in this measure with regard to filing fees. It would be my position that filing fees do not really cover the cost—this bill doesn't address that question."

Senator Rasmussen: "But the reason I asked that question, we have lately had numerous people file as indigents, take airplane trips to Hawaii and other parts of

the country, and they obviously are not indigents. In contacting the elections supervisor and the secretary of state, they advised that the only way you could prevent that or restrict it would be to have it perjury that filing under the basis that it is perjury if they file as indigents and were not."

Senator Grant: "We have not addressed that question in this bill, Senator Rasmussen."

Further debate ensued.

### MOTION

On motion of Senator Donohue, Senator Odegaard was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2032, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; excused, 6.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Scott, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—33.

Voting nay: Senators Francis, Goltz, Gould, Herr, Matson, McDermott, Newschwander, Ridder, Sellar, von Reichbauer—10.

Excused: Senators Bottiger, Fleming, Odegaard, Sandison, Walgren, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2122, by Senators Van Hollebeke and Jones:  
Providing for enforcement of foreign judgments.

### REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2122, providing for enforcement of foreign judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:  
Strike all of section 4 and renumber the remaining section.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, 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 Mardesich, the following amendment was adopted:

On page 2, line 13, after "through" strike "4" and insert "3"

On motion of Senator Francis, Engrossed Senate Bill No. 2122 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 Francis yield to a question? Senator Francis, in the event that a judgment were forwarded to this state from the country

that this Amin is the dictator of, or any other country in which there was a dictator, and they issued a judgment, then in effect it would become legal in this state just the same as if it was passed by the superior court?"

Senator Francis: "Senator Rasmussen, I am glad you asked that. Foreign judgment in this case and under our statutes means the judgment of another state which is entitled to full faith and credit under the constitution of the United States. It does not apply to judgments of foreign countries."

Senator Rasmussen: "I am sure glad of that. Thank you."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2122, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senator Guess—1.

Excused: Senators Bottiger, Fleming, Sandison, Walgren, Woody—5.

ENGROSSED SENATE BILL NO. 2122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2344, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

### REPORT OF STANDING COMMITTEE

February 9, 1977.

SENATE BILL NO. 2344, prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 14, strike "percentage in RCW 3.62.015" and insert "procedure established by chapter 3.62 RCW"

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Peterson, Engrossed Senate Bill No. 2344 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 Marsh, Engrossed Senate Bill No. 2344 was ordered placed on today's third reading calendar following consideration of Senate Bill No. 2185.

## SECOND READING

SENATE BILL NO. 2174, by Senators Van Hollebeke, Talley and North:

Raising the per diem compensation for members of boards of water commissioners.

The bill was read the second time by sections.

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

On page 1, line 16, strike "compensation" and insert "~~((compensation))~~ per diem"

Senator Marsh moved Engrossed Senate Bill No. 2174 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President, prior to acting on that, would Senator Van Hollebeke yield to a question? Senator Van Hollebeke, this bill also states that no commissioner shall be employed full time by the district, and it also says that his salary must be a reasonable sum, but there is no definition. In the testimony on this bill, was there any input as to what those figures would be?"

Senator Van Hollebeke: "I wasn't present at the hearing. I couldn't quite hear you, but I think you said the bill says this. The bill does not change that. The bill only changes the compensation."

Senator Cunningham: "Does that mean the per diem?"

Senator Van Hollebeke: "The bill doesn't affect that, Senator Cunningham."

## MOTION

On motion of Senator Marsh, Senate Bill No. 2174, as amended, was ordered placed on today's calendar following consideration of Engrossed Senate Bill No. 2344.

## MOTION

At 12:10 p.m., on motion of Senator Walgren, 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 Marsh, the Senate commenced consideration of Senate Bill No. 2454.

## SECOND READING

SENATE BILL NO. 2454, by Senators Talley, Peterson and Herr:

Providing for the certification and regulation of operators of public water supply systems.

## MOTIONS

On motion of Senator Talley, Substitute Senate Bill No. 2454 was substituted for Senate Bill No. 2454 and the substitute bill was placed on second reading and read the second time in full.

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

On page 3, line 3, after "law" insert "to have a mechanical water filtration system"

Senator Goltz moved adoption of the following amendment by Senators Goltz and Guess:

On page 6, line 29, after "hereunder" and before the period insert ": PROVIDED, That no revocation, citation or charge shall be made under sections 11, 13 and 15 of this act until a proper written notice of violation is received and a reasonable opportunity for correction has been given"

Debate ensued.

#### MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2454, as amended, together with the pending amendment by Senators Goltz and Guess, was ordered to hold its place on the second reading calendar for February 28, 1977.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2251.

#### SECOND READING

SENATE BILL NO. 2251, by Senators Bottiger, Gaspard, Benitz, Morrison and Woody:

Removing minimum wage restrictions on seasonal employees at agricultural fairs.

#### MOTION

On motion of Senator Odegaard, Senator Bausch was excused.

The bill was read the second time by sections.

On motion of Senator Ridder, Senate Bill No. 2251 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. 2251, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senators Cunningham, Grant—2.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bausch, Bottiger, Fleming, Woody—4.

SENATE BILL NO. 2251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



SECOND READING

SENATE BILL NO. 2421, by Senators Goltz, Lewis and North:

Authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances.

REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2421, authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances (reported by Committee on Local Government):

Recommendation: Do pass with the following amendments:

On page 2, line 4, after "regulations." add the following:

"Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings."

On page 2, line 35, after "regulations." add the following:

"Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings."

On page 3, line 33, after "regulations." add the following:

"Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings."

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, McDermott, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were considered and adopted simultaneously.

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

On page 1, line 12, after "examiners" strike "shall" and insert "may"

On motion of Senator Goltz, the following amendments were adopted:

On page 2, line 11, after "examiners" strike "shall" and insert "may"

On page 3, line 7, after "examiners" strike "shall" and insert "may"

POINT OF INQUIRY

Senator Francis: "Will Senator Goltz yield to a question? Senator Goltz, I am very concerned about this bill, and before we take it off second reading I want to ask you some questions about the meaning of it. It seems to me that when we are dealing with zoning we have a chance to change the approach which has been taken by the courts in this state which to call these zoning decisions a quasi-judicial function which I don't think it is at all. I think it is a policy decision that vitally affects the habitability of every city and town and county in this state. I think it is something that can vitally affect the property values to the people who are affected by zoning and sometimes constitute the taking without compensation. It seems to me that it is such an important policy function that I am very reluctant to turn it over to a hearing examiner rather than to the legislative body of whatever city, or town or county you are talking about, and in that connection I would like to ask you, I happen to be looking at page 2, line 14, and it says, 'giving a hearing examiner the power to hear and decide applications for conditional uses, variances or any other class of applications for or pertaining to land uses.' My question is what does that mean 'any other class of applications for or pertaining to land uses'?"

Senator Goltz: "I am not exactly sure whether I am the proper person to try to answer that. Perhaps someone from the local government committee should answer

the particular question. It is my impression that the legislative body however, and this may not be an answer to your question, it may have been the question I was anticipating. The legislative body does retain the final jurisdiction of the matter, and it does set the specific conditions under which the hearing examiner is to operate. Those conditions are required starting on line 20."

Senator Francis: "Thank you, Senator Goltz."

### MOTION

On motion of Senator Marsh, Senate Bill No. 2421, as amended, was ordered to hold its place on the second reading calendar for February 28, 1977.

### SECOND READING

SENATE BILL NO. 2300, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Modifying the collection of jury costs.

### REPORT OF STANDING COMMITTEE

February 16, 1977.

SENATE BILL NO. 2300, modifying the collection of jury costs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, before the comma, strike "jury before they are discharged" and insert "~~((jury before they are discharged))~~ county"

Signed by: Senators Francis, Chairman; Buffington, Hayner, Jones, 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, 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, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Bottiger, Fleming, Woody—4.

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.

### SECOND READING

SENATE BILL NO. 2400, by Senators Rasmussen, Odegaard and Newschwander:

Changing the name of the office of program planning and fiscal management to the office of fiscal management.

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2400, changing the name of the office of program planning and fiscal management to the office of fiscal management (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

On page 1, line 9, after "office of" and before "management" strike "fiscal" and insert "financial"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

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. 2400 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Rasmussen yield? I notice, Senator Rasmussen, this is an entirely new section in the RCW, and I wonder, if there is a name change here what are we doing about correcting the other references in the RCWs? It looks like it is ignoring or not repealing anything elsewhere in the RCWs."

Senator Rasmussen: "This will be the change, and the code reviser's office will take care of it from here on out."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2400, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Bottiger, Fleming, Woody—4.

ENGROSSED SENATE BILL NO. 2400, having received the constitutional majority, was declared passed. 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 advanced to the eighth order of business.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, on motion of Senator Mardesich, the motion for reconsideration of the vote by which Senate Joint Resolution No. 109 failed to pass the Senate was held for February 28, 1977.

## MOTION

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 2185, by Senators McDermott and Gould:

Permitting aliens to teach in the common school system.

The bill was read the second time by sections.

On motion of Senator McDermott, Senate Bill No. 2185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Herr: "Would Senator McDermott yield to a question? Well, I was looking at this pass-out of Senator Lewis on the desk here, so if we pass this act, do we repeal this—of not taking a communist—being a member of the communist party or fascist party out of the statutes?"

Senator McDermott: "If you look at the bill, in the title it says it is repealing section 28A.67.020 and the piece of information which Senator Lewis put on your desk is correct. That is the section that is repealed. If you will look on about the seventh or eighth line, it says, 'has declared his intention of becoming a citizen,' and that is what is repealed."

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "I am not sure whether I should ask of either Senator McDermott or Senator Hayner. I live in a district in which there is a very large group of recent residents. That is, they have come from many of the Pacific rim countries, and under the provisions of the law are required to be taught in bi-lingual classes. Now, many times those who are most proficient in those languages are not citizens of the United States, and I would like to know how those teachers are affected by this particular provision, if they really should be permitted to continue teaching."

Senator Hayner: "Well, Senator Ridder, they can express their intent of becoming a United States citizen and qualify under our present laws. Is that what you are asking?"

Senator Ridder: "No, that really wasn't because I would assume that some of these who have come over from the rim countries may be bi-lingual, in other words, able to teach those who have also come from those countries and yet may not intend, in fact, to become citizens and certainly we would not want to encourage them to state that if it was not, indeed, their intention any more than we would want anyone to take a loyalty oath if we really had no way of enforcing that loyalty."

Senator Hayner: "They would not be able to teach, but I think that the pressure for this has not come from those kinds of people. Actually it has come from Canadians who do not want to become American citizens and yet who have been here for five and a half or more years."

Senator Ridder: "You can't tell me how that really would affect that particular group of people, though."

## REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Senator Ridder, before our committee we had testimony from the Office of Asian Affairs, or the Asian Affairs Commission, and there are a number of people from that area who are affected by this. This says that you don't have to declare you are going to be a citizen. You can be a resident alien, but if you go into school teaching and you teach for five and a half years after you make your initial signature, you can't begin teaching without saying that you intend to become

a citizen. If, after five and a half years, you decide that is not your intention, you are out no matter how long you have been in the school system. It doesn't mean you have to leave the country. It only means that you can no longer be employed, and there will be a number of teachers who will be available for the bi-lingual program that will be excluded if this kind of legislation does not pass."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2185, and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 30; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Francis, Gaspard, Goltz, Gould, Mardesich, Matson, McDermott, Murray, North, Ridder, Sandison, Walgren—15.

Voting nay: Senators Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Scott, Seller, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—30.

Excused: Senators Bausch, Bottiger, Fleming, Woody—4.

SENATE BILL NO. 2185, having failed to receive the constitutional majority, was declared lost.

### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Grant served notice that he would, on the next working day, move for reconsideration of the vote by which the Senate failed to pass Senate Bill No. 2185.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis moved the Senate immediately reconsider the vote by which the Senate failed to pass Senate Bill No. 2185.

The motion by Senator Lewis for reconsideration carried on a rising vote.

The President declared the question before the Senate to be the roll call on final passage, on reconsideration, of Senate Bill No. 2185.

Debate ensued.

### MOTIONS

On motion of Senator Francis, Senate Bill No. 2185 was returned to second reading.

On motion of Senator Francis, Senate Bill No. 2185 was ordered held on the second reading calendar for February 28, 1977.

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

### THIRD READING

ENGROSSED SENATE BILL NO. 2344, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2344.

Debate ensued.

## MOTION

Senator Wilson moved that Engrossed Senate Bill No. 2344 be held on the third reading calendar for February 28, 1977.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wilson that Engrossed Senate Bill No. 2344 be held on the third reading calendar for February 28, 1977.

The motion by Senator Wilson failed on a rising vote.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2344, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wojahn—34.

Voting nay: Senators Benitz, Cunningham, Fleming, Hayner, Matson, Morrison, Murray, North, Sellar, von Reichbauer, Wilson—11.

Absent or not voting: Senator Henry—1.

Excused: Senators Bausch, Bottiger, Woody—3.

ENGROSSED SENATE BILL NO. 2344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2174, by Senators Van Hollebeke, Talley and North:

Raising the per diem compensation for members of boards of water commissioners.

The Senate resumed consideration of Senate Bill No. 2174 as amended earlier today.

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

On page 1, line 20, strike "In addition, the" and insert "~~(In addition, the)~~ The"

On page 1, line 22, after "district" insert ": PROVIDED, That in no event shall a commissioner receive an amount in excess of two thousand dollars per year for all duties performed"

On page 2, line 5, after "him" insert ": PROVIDED, That in no event shall a commissioner receive an amount in excess of two thousand dollars per year for all duties performed"

Debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, I understand what Senator Cunningham is trying to do. I just happen to think of a possible problem. Sometimes in the rural areas it is hard to find people to do the maintenance work in water districts, and I understand that sometimes the water commissioners or sewer commissioners themselves will have to go out and do this work, and this is a way that they can be compensated. I was wondering if the two thousand dollar restriction which you have in this amendment, Senator Cunningham, might impose a hardship in those particular

cases where those commissioners have a difficult time finding other people available to carry on maintenance kinds of problems or emergency problems."

Senator Cunningham: "Mr. President, to the best of my knowledge this should not create a hardship, but like anything it could. What we are in hopes of is that the water districts will be prudent enough that if they need adequate people for maintenance and repair that they will hire them. If they, in turn, need secretaries for the office, that they will hire them, and that the commissioners will run and be just that, commissioners, not in any instance where a commissioner is apt to be all three things. So, it is not intended to create a hardship. It could theoretically happen, and I still say that if we put a lid on the total reimbursement that a commissioner can get, it is the right idea and I think it is in keeping with the general tone of the bill."

#### POINT OF INQUIRY

Senator Talley: "Would Senator Cunningham yield to a question? Senator Cunningham, I think what you have done here is you have limited the amount a man can make. I think he may have to, the commissioner may also have to run that system, get out at night and make repairs in the system, do all kinds of work and you are saying he can only make so much a year. I don't think that is what you want to do, is it?"

Senator Cunningham: "That is exactly what I want to do."

Further debate ensued.

#### MOTION

On motion of Senator Marsh, Senate Bill No. 2174, as amended, together with the pending amendments by Senator Cunningham, was ordered placed on today's second reading calendar following Senate Bill No. 2310.

#### SECOND READING

SENATE BILL NO. 2097, by Senators Bausch, Murray and Woody (by Legislative Budget Committee request):

Deleting an obsolete restriction on employment of aliens.

On motion of Senator Odegaard, Senate Bill No. 2097 was advanced to third reading, the second 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. 2097, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Peterson—1.

Excused: Senators Bausch, Bottiger, Woody—3.

SENATE BILL NO. 2097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2258, by Senators Rasmussen, Newschwander and Bailey (by State Treasurer request):

Allowing state, county, and municipal treasurers to transfer public funds electronically.

## REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2258, allowing state, county, and municipal treasurers to transfer public funds electronically (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 10, after "standards" strike "as are established" and insert "which shall be established prior to the effective date of this act"

After line 14, add a new section as follows:

"NEW SECTION. Sec. 2. The effective date of this act shall be July 1, 1977."

On line 1 of the title, after "funds;" strike "and", and on line 2 of the title, after "39.58 RCW" and before the period insert "; and prescribing an effective date"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

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, Engrossed Senate Bill No. 2258 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Marsh, Senator McDermott was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2258, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Voting nay: Senator Pullen—1.

Excused: Senators Bausch, Bottiger, McDermott, Woody—4.

ENGROSSED SENATE BILL NO. 2258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2451, by Senators Rasmussen, Marsh and Morrison:

Allowing for a longer appeal period from actions of county boards of equalization.



## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2451, allowing for a longer appeal period from actions of county boards of equalization (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On line 11, after "~~((ten))~~" and before "days" strike "sixty" and insert "thirty".

Signed by: Senators Wilson, Chairman; Bluechel, North, Talley.

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. 2451 was advanced to third reading, the second 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. 2451, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Bottiger, McDermott, Woody—4.

ENGROSSED SENATE BILL NO. 2451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2378, by Senators Lewis, Keefe, Guess and Day (by Department of Highways request):

Extending state route 290 in Spokane.

The bill was read the second time by sections.

On motion of Senator Guess, Senate Bill No. 2378 was advanced to third reading, the second 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. 2378, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Bottiger, McDermott, Woody—4.

SENATE BILL NO. 2378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2310, by Senators Rasmussen and Buffington:  
Making various changes in the law on the state committee on salaries.

## REPORT OF STANDING COMMITTEE

February 3, 1977.

SENATE BILL NO. 2310, making various changes in the law on the state committee on salaries (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 21, after "~~RCW 43-03-020~~" and before the period on line 22, strike ")), upon the basis of official responsibility" and insert "~~upon the basis of official responsibility~~)")"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

The bill was read the second time by sections.

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

On motion of Senator Buffington, Engrossed Senate Bill No. 2310 was advanced to third reading, the second 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. 2310, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bausch, Bottiger, McDermott, Woody—4.

ENGROSSED SENATE BILL NO. 2310, having received the constitutional majority, was declared passed. 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, Senator Donohue was excused.

## SECOND READING

SENATE BILL NO. 2174, by Senators Van Hollebeke, Talley and North:

Raising the per diem compensation for members of boards of water commissioners.

The Senate resumed consideration of Senate Bill No. 2174, as amended, and the two amendments moved for adoption by Senator Cunningham to page 1, line 20 and page 2, line 5 earlier today.

Senator Odegaard moved adoption of the following amendments to the amendments by Senator Cunningham:

On line 2 of the Cunningham amendment to page 1, line 22, strike "two" and insert "four"

On line 2 of the Cunningham amendment to page 2, line 5, strike "two" and insert "four"

MOTION

On motion of Senator Jones, Senator Matson was excused.  
Debate ensued.

POINT OF INQUIRY

Senator North: "Thank you, Mr. President. At the risk of asking questions, Senator Mardesich, what is the state of the pension system?"

Senator Mardesich: "Senator North, I just handed out a little amendment that solves that problem."

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

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

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

On page 1, line 23, after "employed" strike "full time" and insert "((full-time)) more than sixty-nine hours per month"

On motion of Senator Talley, Engrossed Senate Bill No. 2174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Yes, Mr. President. On page 2, line 5, it refer to services performed by him. Would this exclude a female from being the secretary?"

President Cherberg: "Are you directing the question to the President, Senator Ridder?"

Senator Ridder: "Well, as a Ruling perhaps, or to Senator Van Hollebeke."

Senator Van Hollebeke: "I am sure that would be not construed as restricting it to the male gender only. It is a generic 'him'."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Is the bill on third reading now? Are we discussing the merits of the bill or is it whether it should be water or sewer? Mr. President, I wanted to ask a question of Senator Van Hollebeke if he would yield. Senator Van Hollebeke, these district commissioners they are administrative and they also then can be hired and receive wages? Isn't this a conflict of interest? I think the auditor would take a long look at that and here the administrative officers are setting the wages and the amount of hours they can work."

Senator Van Hollebeke: "We have now restricted them to a maximum income of two thousand dollars per year that they can receive, so I think we are pretty safe. I don't think there is a conflict of interest either. I think their interest is with the district, and I sure wouldn't worry with a two thousand dollar maximum."

POINT OF INQUIRY

Senator Murray: "For the record, would Senator Cunningham yield to a question? Senator Cunningham, your amendment specifically says that in no event shall a commissioner receive an amount in excess of two thousand dollars per year for all

duties performed. My understanding of your explanation before was that the two thousand dollars was salary and not per diem. Is that correct?"

Senator Cunningham: "Senator Murray, that explanation dealt with the four thousand dollar amendment of Senator Odegaard's. The bill as it stands now, most districts meet but once a month. They would be drawing forty dollars a meeting, and the balance would be for any services they did render, but a total lid of two thousand dollars."

Senator Murray: "Including per diem?"

Senator Cunningham: "That would be my understanding, yes."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2174, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—38.

Voting nay: Senators Goltz, Talley, Wilson, Wojahn—4.

Absent or not voting: Senator Bailey—1.

Excused: Senators Bausch, Bottiger, Donohue, Jones, McDermott, Woody—6.

ENGROSSED SENATE BILL NO. 2174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 4:25 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m. Monday, February 28, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 28, 1977.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bausch, Fleming, Mardesich and Scott. On motion of Senator Odegaard, Senators Bausch and Mardesich were excused. On motion of Senator Marsh, Senator Fleming was excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Audie Talley and Deborah Mayer, presented the Colors. Senator C. W. "Red" Beck offered the following prayer:

"ALMIGHTY GOD, WE HUMBLY BESEECH THEE TO ACCEPT OUR DEVOTIONS. WE ARE BEGINNING TO REALIZE THAT ALL OF THE THINGS WRONG WITH THIS WORLD IS THE SUM TOTAL OF EACH OF US AS INDIVIDUALS. GUIDE US TODAY AS WE TRANSACT THE STATE BUSINESS. GIVE US THE KNOWLEDGE, WISDOM AND CONVICTIONS OF OUR OWN THOUGHTS TO DO WHAT IS RIGHT FOR THE GOOD OF THE PEOPLE.

"BE WITH THOSE WHO ARE NOT SO FORTUNATE AS WE WHO LIVE IN THIS LAND OF LIBERTY AND FREEDOM. LET ALL OF OUR ACCOMPLISHMENTS BE FOR THY HONOR AND GLORY. IN JESUS' 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

February 24, 1977.

SENATE BILL NO. 2121, restricting printing and distribution of state reports and publications (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2121 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 25, 1977.

SENATE BILL NO. 2328, authorizing the chief of the Washington State Patrol to determine proposed rates of compensation for patrol officers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Jones, Marsh, Matson, Morrison, Rasmussen, Sandison, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1977.

SENATE BILL NO. 2510, authorizing the establishment of transportation centers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1977.

SENATE BILL NO. 2864, requiring an accident report when a legally standing vehicle is involved in an accident (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1977.

SENATE BILL NO. 2956, relating to outdoor advertising (reported by Committee on Transportation):

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

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

February 25, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 38,

HOUSE BILL NO. 240,

SUBSTITUTE HOUSE BILL NO. 291,

HOUSE BILL NO. 407,

ENGROSSED HOUSE BILL NO. 409, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 38, by Representatives Hanna and Conner:

Including the Washington state patrol under the public employee collective bargaining laws.

Referred to Committee on Labor.

HOUSE BILL NO. 240, by Representatives King, Vrooman, May, Hughes, Lux and Martinis:

Regulating motor vehicles used by railroad companies to transport employees.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 291, by Committee on Education (originally sponsored by Representatives Clemente, Whiteside and Bauer) (by State Board of Education request):

Implementing laws relating to student transfers within the common schools.

Referred to Committee on Education.

HOUSE BILL NO. 407, by Representatives Enbody, Monohon and Smith (by Judicial Council request):

Modifying the fee for a writ of garnishment.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 409, by Representatives Knowles, Tilly and Smith (by Judicial Council request):

Eliminating exemptions from jury service.  
Referred to Judiciary Committee.

#### MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 11:30 a.m.

#### SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:30 a.m.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2184.

#### SECOND READING

SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

The Senate resumed consideration of Senate Bill No. 2184 as amended on February 25, 1977.

#### MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

(No further action on Engrossed Senate Bill No. 2184 at this time.)

#### MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 2273 was ordered placed on the third reading calendar immediately following consideration today of Senate Bill No. 2273.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2421.

## SECOND READING

SENATE BILL NO. 2421, by Senators Goltz, Lewis and North:

Authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances.

The Senate resumed consideration of Senate Bill No. 2421 as amended on February 25, 1977.

On motion of Senator Goltz, Engrossed Senate Bill No. 2421 was advanced to third reading, the second 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. 2421, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senators Francis, Van Hollebeke—2.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2447, by Senators Morrison, Wilson and Benitz:

Increasing the maximum allowable assessment for tree fruit.

The bill was read the second time by sections.

On motion of Senator Morrison, Senate Bill No. 2447 was advanced to third reading, the second 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. 2447, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Grant, Matson, Van Hollebeke—3.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

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.



## SECOND READING

SUBSTITUTE SENATE BILL NO. 2454, by Committee on Local Government (originally sponsored by Senators Talley, Peterson and Herr):

Providing for the certification and regulation of operators of public water supply systems.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2454, as amended on February 25, 1977, was ordered rereferred to the Committee on Local Government.

## POINT OF INQUIRY

Senator Matson: "Mr. President, I would like to get some kind of expression out of Senator Walgren as to whether we are going to follow the calendar today or whether we are going to be skipping around so we can get some kind of idea where we are out here."

Senator Walgren: "Yes, for Senator Matson's information, we are going to do our very utmost to follow the calendar, sir, and as you well know, as we have worked on some of the bills, that were of great concern to the Republicans, last week it was necessary to scout around the calendar a little bit, and so we are going to do that only as it becomes very necessary here."

## SECOND READING

SENATE BILL NO. 2324, by Senator Hayner:

Providing an alternative method of giving notice of a materialman's lien.

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2324, providing an alternative method of giving notice of a materialman's lien (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2 after "owner" and before the colon on line 3, strike "at the time or times of furnishing and/or supplying such materials or supplies or equipment"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Jones.

The bill was read the second time by sections.

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

On motion of Senator Francis, Engrossed Senate Bill No. 2324 was advanced to third reading, the second 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. 2324, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2273, by Senators Sandison and Donohue:

Providing for tuition and fees where students are participating in a joint program conducted by two or more institutions of higher education.

### REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2273, providing for tuition and fees for students participating in a joint program conducted by two or more institutions of higher education (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendments:

On page 1, line 15 after "institutions" strike "having" and insert "requiring"

On page 1, line 16 after "maximum" strike "applicable mandatory"

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendments were adopted.

On motion of Senator Sandison, Engrossed Senate Bill No. 2273 was advanced to third reading, the second 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. 2273, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Jones—1.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2500, by Senator Sellar:

Creating state route 285.

The bill was read the second time by sections.

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

On page 1, line 9 after "river to" insert "the west pavement seat of the Columbia River bridge at milepost number 123.45 in"

On motion of Senator Sellar, Engrossed Senate Bill No. 2500 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 Sellar yield? Senator Sellar, I wonder what the maintenance cost will be by making this a state highway. What is the cost involved?"

Senator Sellar: "The state highway has estimated that—of course initially there won't be any cost involved because of the fact that it is up to maintenance now, but they would set aside about twelve thousand dollars a year for future maintenance, so the impact would be about twelve thousand dollars."

Senator Grant: "Senator Sellar, why is it that is being considered as a separate item rather than part of the overall transportation budget? Why is this being designated under the overall transportation budget as a separate state route?"

Senator Sellar: "Well, as in the past, as with the bill we had the other day with Spokane, and the state route, it is a fairly common practice to deal with these when they are coming off the state highway system to deal with them in a separate issue, and I thought it might be a little bit easier to discuss this as a separate issue rather than part of the package, and I offered it as such."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2500, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senator Grant—1.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2418, by Senators Walgren, Murray, Woody, Clarke and Henry:

Revising the laws relating to criminal justice training.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment:

On page 2, line 10, after "personnel" and before "adopted" insert ", except volunteers,"

Debate ensued.

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

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, before this is moved to third reading, my question is, and I am reading on page 2, starting on line 21, 'whenever a court imposes a fine or orders a bail forfeiture, a penalty for violation of law of this state or an ordinance of a city or county,' and then it goes on and provides an exception, 'except an ordinance relating to cars unlawfully left parked.' This additional assessment would be on top of what is already assessed for driver training for any moving violation with an automobile?"

Senator Woody: "I was not there in the committee hearing, but I can tell you from my own knowledge that it would be on top of those assessments. We currently have two existing assessments. This would be a third one."

Senator Rasmussen: "That is getting pretty much of a burden on—I can understand on criminal violations—where it requires additional training."

Senator Woody: "I will be around to you later to seek your signature as a sponsor on a bill which would terminate one of those first assessments."

Senator Rasmussen: "Thank you."

#### POINT OF INQUIRY

Senator Pullen: "Would Senator Francis yield to a question? Senator Francis, section 2 of this bill reads, 'On and after the effective date of this 1977 amendatory act, compliance with standards for law enforcement personnel adopted by the commission pursuant to RCW 43.101.080 and 43.101.160 shall be requisite to the law, to the lawful exercise of arrest authority specifically or generally conferred by law.' Could you describe or enumerate what some of the standards for law enforcement personnel are intended to be?"

Senator Francis: "Senator Pullen, the standards basically relate to training. We had them before us in committee and let me just see if I have any of them here. Well, RCW 43.101.080 simply sets forth the commission's powers and duties including the adoption of these standards for the training of criminal justice personnel, and let's see if I have anything else indicating what has been adopted."

"The Washington administrative code 139-28-010 sets forth some of the basic law enforcement training requirements including requirement for interdisciplinary approach where, if appropriate, requirement for specialized in-service training and basic training. Basically, the training standards go into the number of hours they are required to have, the knowledge they are supposed to have of the law, of constitutional rights, of other aspects of the criminal justice system other than the law enforcement aspect itself."

Senator Pullen: "Could such standards also include the height and the weight of the law enforcement officer?"

Senator Francis: "The standards that are set forth here do not relate to height and weight but only to training. I don't know whether they could or not. I would say that if we felt we needed to confine the boundaries of what they could do in the area of adoption of standards, we might want to change those reference sections either during this session or at some later one so that we limit what they can do as far as the adoption of standards. Right now, they have not set any of that as a matter of law enforcement standards."

Senator Pullen: "I assume the same answer would apply to, say, the sex and ethnic background of the law enforcement officer?"

Senator Francis: "As far as I know, no attempt has been made to define standards in that area, but quite the contrary, and I don't think that it is going to be a problem."

#### POINT OF INQUIRY

Senator Grant: "Would Senator Francis yield to another question? Senator Francis, new section 3 sets out a new provision with regard to setting up a fund, criminal justice training account, and I just wondered whether there was testimony as to how much would go into that account from past experience if there was any information with regard to how much would be derived by the account, and if so, what would it be used for other than just general purposes?"

"I should tell you, Senator Francis, that I generally do not like to see separate accounts established of this nature, and I would like to know about how much is derived and what it would be used for."

Senator Francis: "Well, Senator Grant, I cannot answer your question specifically. The need for the source of funding was because in January 1 of next year the LEAA funding will run out, and while we have looked somewhat skeptically at some of the LEAA projects, the testimony was quite strong in support of the idea that this one was probably the most successful one, that it was very effective and needed by law enforcement agencies throughout the state to do the training."

"So, then the question is, how do we provide the funding? I can't remember the exact figures but I was satisfied myself, and I believe the other committee members were, that it would be sufficient to fund the program. That was the basis upon which we decided to go along with this was that it would provide funding for this training and I would take this opportunity to say I basically agree with Senator Woody. I think that it is certainly more important than some of the other special funds that come out of fines and forfeitures. I think this is a very legitimate one. It is related—it is even, I would say, an old Republican principle of letting the user pay."

### POINT OF INQUIRY

Senator Odegaard: "Mr. President, speaking to Senator Francis, I had received a detailed letter last week from the Lewis county prosecutor about this bill. He was in support of the bill but with some amendments, and I have sent that on to you, Senator Francis. I was wondering if you had seen the letter and had included any of those suggested amendments in this bill."

Senator Francis: "Senator Odegaard, I don't recall the letter, and we made no amendments to the bill in committee. There were none adopted."

On motion of Senator Francis, Engrossed Senate Bill No. 2418 was advanced to third reading, the second 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. 2418, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wojahn, Woody—38.

Voting nay: Senators Grant, Matson, Newschwander, Pullen, Rasmussen, von Reichbauer, Wilson—7.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2181, by Senators Sandison and Washington (by Department of Natural Resources request):

Changing the bonding requirements for surface mining.

The bill was read the second time by sections.

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

On page 1, line 20, strike "modify" and insert "increase"

On motion of Senator Peterson, Engrossed Senate Bill No. 2181 was advanced to third reading, the second 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. 2181, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Fleming, Mardesich, Scott—4.

ENGROSSED SENATE BILL NO. 2181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2200, by Senators Sandison, Ridder and Odegaard (by Department of Natural Resources request):

Creating a resource management land bank.

#### REPORT OF STANDING COMMITTEE

February 16, 1977.

SENATE BILL NO. 2200, creating a resource management land bank (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 1, after "or which could be more easily managed by the department" insert ", however, no power of eminent domain is hereby granted to the department"

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Peterson, Engrossed Senate Bill No. 2200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Odegaard, Senator Woody was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2200, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson,

Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—43.

Voting nay: Senators Pullen, Washington—2.

Excused: Senators Bausch, Mardesich, Scott, Woody—4.

ENGROSSED SENATE BILL NO. 2200, having received the constitutional majority, was declared passed. 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. 2292.

#### SECOND READING

SENATE BILL NO. 2292, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Increasing homestead exemption.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 2292 was advanced to third reading, the second 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. 2292, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Mardesich, Scott, Woody—4.

SENATE BILL NO. 2292, having received the constitutional 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 12:35 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

#### MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 2184 was returned to second reading.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 24, after "bond" strike the amendment by Senators Mardesich, Peterson and Matson as adopted on February 25, 1977 and insert: "on a continuing year to year basis in the same amount unless said bond thereafter becomes impaired."

Debate ensued.

#### POINT OF ORDER

Senator Day: "I believe that the amendment is out of order in that we have adopted language and now we are trying to adopt substitute language for the identical language we adopted. If this were to continue ad infinitum, the body would never come to a conclusion. The rule number escapes me at the moment, but the proper way to have done this would have been to reconsider the vote by which Senator Mardesich's amendment was adopted and then to offer an amendment should that one be reconsidered."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Francis moved the Senate reconsider the vote by which the following amendment by Senators Mardesich, Peterson and Matson was adopted on February 25, 1977:

On page 1, line 24, after "bond" strike all the material through "impaired" on line 25 and insert "until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with"

There being no objection, Senator Bottiger withdrew his proposed amendment.

Debate ensued.

The motion for reconsideration by Senator Francis failed on a rising vote.

On motion of Senator Marsh, Engrossed Senate Bill No. 2184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Walgren: "Senator Guess, being a long time member of the Senate, knows better than that. I don't think that it is appropriate for him to read something unless it is a part of his speech."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2184, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 23; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Day, Francis, Gaspard, Goltz, Grant, Herr, Jones, Keefe, Mardesich, Marsh, McDermott, Murray, Peterson, Rasmussen, Ridder, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Gould, Guess, Hayner, Henry, Lewis, Matson, Morrison, Newschwander, North, Odegaard, Pullen, Sandison, Wanamaker, Washington, Wilson—23.

Absent or not voting: Senator Talley—1.

Excused: Senators Bausch, Scott—2.

ENGROSSED SENATE BILL NO. 2184, having failed to receive the constitutional majority, was declared lost.



## SECOND READING

SENATE BILL NO. 2185, by Senators McDermott and Gould:

Permitting aliens to teach in the common school system.

The Senate resumed consideration of Senate Bill No. 2185. On motion of Senator Lewis, the Senate moved to reconsider the vote by which Senate Bill No. 2185 failed to pass the Senate on February 25, 1977. On that day, on motion of Senator Francis, Senate Bill No. 2185 was returned to second reading and held for consideration today.

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

On page 1, strike all of sections 1 and 2 and insert the following:

"Section 1. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, has declared his intention of becoming a citizen of the United States of America and five years and six months have not expired since such declaration was made: PROVIDED FURTHER, That if five years and six months have expired the superintendent of public instruction, at the request of the school district, may grant to an alien whose qualifications have been approved by the state board of education ((a temporary permit)) a standard certificate to teach((as an exchange teacher))in the common schools of this state, ((irrespective of requirements respecting citizenship and oath of allegiance)) : PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach as an exchange teacher in the common schools of this state.

Before such alien shall be granted a temporary permit he shall be required to subscribe to an oath or affirmation in writing that he is not a member of or affiliated with a communist or communist-sponsored organization or a fascist or fascist-sponsored organization. The form of such oath or affirmation shall be prepared by the superintendent of public instruction. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

## POINT OF INQUIRY

Senator Hayner: "Mr. President, would Senator McDermott yield to a question? The language on page 1, on lines 20 and 21, 'at the request of the school district,' is that the school district that has been employing that particular alien for a period of five and a half years or is that any school district?"

Senator McDermott: "That is the school district in which they are teaching."

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

On motion of Senator McDermott, the following amendment by Senators McDermott and Grant to the title was adopted:

Beginning on line 1 of the title after "education;" strike everything down to and including "penalties." and insert "and amending section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020."

On motion of Senator McDermott, Engrossed Senate Bill No. 2185 was advanced to third reading, the second 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. 2185, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senators Pullen, Rasmussen, Van Hollebeke—3.

Excused: Senators Bausch, Scott—2.

ENGROSSED SENATE BILL NO. 2185, 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.

## SECOND READING

SENATE BILL NO. 2365, by Senators Fleming, Guess, Henry, Talley and Wanamaker (by Department of Highways request):

Revising laws relating to highways.

## REPORT OF STANDING COMMITTEE

February 8, 1977.

SENATE BILL NO. 2365, revising laws relating to highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 27, after "city" and before "of" insert "or port district"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Guess, Keefe, Talley, Wanamaker.

The bill was read the second time by sections.

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

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 30, after "title" strike all the material down to the semicolon on page 2, line 1.

Debate ensued.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2365, as amended, and the pending amendment by Senator Rasmussen, will be considered following Senate Bill No. 2387.

## SECOND READING

SENATE BILL NO. 2478, by Senators Sandison, McDermott and Guess:

Allowing institutions of higher education to collect certain debt charges if provided for in the agreement signed by the debtor.

The bill was read the second time by sections.

On motion of Senator Sandison, Senate Bill No. 2478 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTIONS

On motion of Senator Sandison, Senate Bill No. 2478 was returned to second reading.

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

On page 1, line 9, after "state" and before "institution" insert "public or private"

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

On line 1 of the title, after "state" insert "public or private"

On motion of Senator Sandison, Engrossed Senate Bill No. 2478 was advanced to third reading, the second 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. 2478, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Fleming, Mardesich—2.

Excused: Senators Bausch, Scott—2.

ENGROSSED SENATE BILL NO. 2478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2108, by Senators Henry, Bailey, Morrison and Sellar (by Office of Community Development request):

Revising laws pertaining to metropolitan public transport.

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2108, revising laws pertaining to metropolitan public transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 5, after "RCW 81.68.040" insert "; has operated under such certificate for a continuous period of one year prior to the date of certification and"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

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

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

On page 8, strike new section 7. Renumber remaining sections consecutively.

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

On page 1, line 9, of the title, strike "making an appropriation;"

On motion of Senator Beck, Engrossed Senate Bill No. 2108 was advanced to third reading, the second 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. 2108, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Bausch, Scott—2.

ENGROSSED SENATE BILL NO. 2108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2315, by Senators Wojahn, Marsh, Morrison and Beck: Increasing the fees for real-estate brokers and salesmen's licenses.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, Senate Bill No. 2315 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. 2315, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Voting nay: Senators Buffington, Fleming, Gould, Grant, Jones, Mardesich, McDermott, Peterson, Pullen, Van Hollebeke—10.

Excused: Senators Bausch, Scott—2.

SENATE BILL NO. 2315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2408, by Senators Henry, Wanamaker and Rasmussen: Establishing a charge for pamphlets of liquor regulations.

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2408, establishing a charge for pamphlets of liquor regulations (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "shall be" and before the period strike "available from the board at a nominal charge" and insert "distributed as directed by the board"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

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. 2408 was advanced to third reading, the second 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. 2408, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Scott—2.

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.

## SECOND READING

SENATE BILL NO. 2382, by Senators Gaspard, von Reichbauer, Wojahn and Goltz:

Authorizing senior citizen passports for admission to and use of state parks.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 2382 was substituted for Senate Bill No. 2382, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, Substitute Senate Bill No. 2382 was advanced to third reading, the second 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. 2382, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen,

Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Grant, Mardesich—2.

Excused: Senators Bausch, Scott—2.

**SUBSTITUTE SENATE BILL NO. 2382**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**SENATE BILL NO. 2245**, by Senators McDermott, Walgren, Ridder, Buffington and Herr:

Implementing law relating to contract rights of employees in the common schools.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2245 was substituted for Senate Bill No. 2245, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, Substitute Senate Bill No. 2245 will be considered following Senate Bill No. 2069.

## SECOND READING

**SENATE BILL NO. 2069**, by Senators Goltz, Morrison, Fleming, Ridder, Sandison and North:

Establishing a youth service corps to promote youth employment and service to local communities.

## REPORT OF STANDING COMMITTEE

February 21, 1977.

**SENATE BILL NO. 2069**, establishing a youth service corps to promote youth employment and service to local communities (reported by Committee on Labor):

**MAJORITY recommendation:** Do pass with the following amendment:

On page 3, add two new sections following section 6 as follows:

**"NEW SECTION. Sec. 7.** The assignment of Program for local Service enrollees shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages or employment benefits.

Local governmental and private non-profit agencies that participate in the program may not terminate, lay off or reduce the working hours of an employee for the purpose of utilizing an enrollee with funds available under this act.

**NEW SECTION. Sec. 8.** Notwithstanding any other provisions of this act, any youth emancipated, as otherwise provided by law, shall be eligible for enrollment under this chapter."

Renumber the remaining sections consecutively.

Signed by: Senators Ridder, Chairman; Bailey, Morrison, Sellar.

The bill was read the second time by sections.

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

On motion of Senator Ridder, the following amendments were adopted:

On page 3, after section 6, beginning on line 21, add sections as follows:

**"NEW SECTION.** Sec. 9. The provisions of chapter 49.46 RCW, the state Minimum Wage Act, shall not apply to any program for local service enrollee serving under a local service contract approved pursuant to the provisions of this chapter.

**NEW SECTION.** Sec. 10. In addition to any other power, duty, or function prescribed by law or regulation, the employment security department, through the youth service corps, shall be authorized to accept federal funds and grants and implement federal programs relating to youth services or employment programs, and is further authorized to enter into agreements respecting such funds or grants. It is the intent of the legislature that the receipt of federal or other funds which are not anticipated 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."

Renumber the remaining section consecutively

On page 3, line 21, after "through" and before "of" delete "6" and insert "10"

On motion of Senator Goltz, Engrossed Senate Bill No. 2069 was advanced to third reading, the second 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. 2069, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Bausch, Scott—2.

**ENGROSSED SENATE BILL NO. 2069**, having received the constitutional majority, 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. 2245**, by Committee on Education (originally sponsored by Senators McDermott, Walgren, Ridder, Buffington and Herr):

Implementing law relating to contract rights of employees in the common schools.

The Senate resumed consideration of Substitute Senate Bill No. 2245. Earlier today, Senator McDermott had substituted Substitute Senate Bill No. 2245 for Senate Bill No. 2245 and ordered the bill held for consideration at this time.

Senator Donohue moved adoption of the following amendment by Senators Donohue, Mardesich, Murray, Clarke, Matson and Jones:

On page 4, after section 2, add a new section as follows:

**"NEW SECTION.** Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1977, in accordance with the provisions of Section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

## MOTION

Senator Walgren moved the amendment be laid upon the table.

Senator Clarke demanded a roll call and the demand was sustained by Senators Washington, Newschwander, Guess, Grant, Donohue, Benitz, Pullen, Morrison and Jones.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the motion by Senator Walgren that the amendment by Senators Donohue, Mardesich, Murray, Matson, Jones and Clarke be laid upon the table.

## ROLL CALL

The Secretary called the roll. The motion by Senator Walgren carried and the amendment was laid upon the table by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Herr, Keefe, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Pullen, Sellar, Talley, Wanamaker, Woody—22.

Excused: Senators Bausch, Scott—2.

On motion of Senator McDermott, Substitute Senate Bill No. 2245 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. 2245, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Herr, Keefe, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Pullen, Sellar, Wanamaker, Wilson—21.

Excused: Senators Bausch, Scott—2.

SUBSTITUTE SENATE BILL NO. 2245, having received the constitutional majority, was declared passed. 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 Woody was excused.

## SECOND READING

SENATE BILL NO. 2387, by Senators Grant and Morrison (by Department of Labor and Industries request):

Regulating mobile homes.



**MOTION**

On motion of Senator Guess, Senate Bill No. 2387 was made a special order of business for 3:55 p.m., today.

**MOTION**

On motion of Senator Walgren, Substitute Senate Bill No. 2245 was ordered immediately transmitted to the House.

**NOTICE OF RECONSIDERATION**

Having voted on the prevailing side, Senator Newschwander served notice that he would move for reconsideration of the failure of the following bill to pass the Senate:

**ENGROSSED SENATE BILL NO. 2184**, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

**MOTION FOR RECONSIDERATION**

Having voted on the prevailing side, Senator Marsh moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2184 failed to pass the Senate.

**POINT OF ORDER**

Senator Bailey: "Point of order. I would have to know how Senator Marsh voted on the bill before he can ask for reconsideration. You served notice, but you haven't voted on it yet."

**POINT OF ORDER**

Senator Clarke: "Once the notice has been given, any Senator has the right to make the motion."

**RULING BY PRESIDENT PRO TEMPORE HENRY**

President Pro Tempore Henry: "Your point is well taken."

**REMARKS BY SENATOR MARDESICH**

Senator Mardesich: "Mr. President, I think that might ordinarily be true, but under our joint rules would not follow because we have adopted joint rules. Didn't we adopt joint rules yet?"

**REPLY BY PRESIDENT PRO TEMPORE HENRY**

President Pro Tempore Henry: "I don't know. We have no rules."

**REMARKS BY SENATOR MARDESICH**

Senator Mardesich: "We have the cutoff resolution which was passed. Wouldn't that preclude the internal—"

**REPLY BY PRESIDENT PRO TEMPORE HENRY**

President Pro Tempore Henry: "This can be settled a lot easier. We will take Senator Marsh's motion to immediately reconsider."

The motion for reconsideration by Senator Marsh carried on a rising vote.

President Pro Tempore Henry declared the question before the Senate to be the roll call, on reconsideration, of Engrossed Senate Bill No. 2184.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2184, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 26; nays, 17; absent or not voting, 3; excused, 3.

Voting yea: Senators Beck, Clarke, Day, Francis, Gaspard, Goltz, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Murray, Newschwander, Peterson, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wojahn—26.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Cunningham, Donohue, Fleming, Gould, Guess, Hayner, Morrison, North, Odegaard, Pullen, Wanamaker, Washington, Wilson—17.

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

Excused: Senators Bausch, Scott, Woody—3.

ENGROSSED SENATE BILL NO. 2184, 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.

### SECOND READING

SENATE BILL NO. 2195, by Senators Woody, Clarke and Bottiger:

Authorizing notary stamps to be smaller or rectangular.

The bill was read the second time by sections.

On motion of Senator Clarke, Senate Bill No. 2195 was advanced to third reading, the second 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. 2195, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Bausch, Scott, Woody—3.

SENATE BILL NO. 2195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2365, by Senators Fleming, Guess, Henry, Talley and Wanamaker (by Department of Highways request):

Revising laws relating to highways.

The Senate resumed consideration of Senate Bill No. 2365. The committee amendment was adopted earlier today and the following amendment by Senator Rasmussen had been moved for adoption:

On page 1, line 30, after "title" strike all the material down to the semicolon on page 2, line 1.

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

On motion of Senator Beck, Engrossed Senate Bill No. 2365 was advanced to third reading, the second 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. 2365, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Bausch, Scott, Woody—3.

ENGROSSED SENATE BILL NO. 2365, having received the 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 Mardesich: "Mr. President, when SJR 109 was acted on I served notice of reconsideration setting it over to this date. What is the Chair's Ruling with respect to the life of that measure? Does it require a motion and then a set off to another day or a re-referral to rules to keep it alive?"

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President believes this does have some effect on revenue and can be voted on at a previous—actually, the only things that are exempt are revenue and appropriation, as you know."

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "Is it the President's ruling that this is a measure affecting revenue and would therefore be alive at any time during the remainder of this session and the motion would live? I am asking whether the President would want me to make the motion and then move it over?"

#### REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Yes."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, on motion of Senator Mardesich, the Senate moved to reconsider the vote by which Senate Joint Resolution No. 109 failed to pass the Senate on February 24, 1977.

## MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 109 was placed on the calendar, on third reading, for reconsideration on March 2, 1977.

SPECIAL ORDER OF BUSINESS  
SECOND READING

SENATE BILL NO. 2387, by Senators Grant and Morrison (by Department of Labor and Industries request):

Regulating mobile homes.

The time having arrived, the Senate commenced consideration of Senate Bill No. 2387.

## REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2387, regulating mobile homes (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 8, strike "and such books, papers, records, and documents as are required by rules adopted by the director" and insert "as required to comply with the standards adopted by the secretary of housing and urban development under the National Mobile Home Construction and Safety Standards Act of 1974"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Cunningham, Morrison.

The bill was read the second time by sections.

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

Senator Guess moved adoption of the following amendment:

On page 2, beginning on line 6, strike all the matter down through line 21 and insert:

"any person who violates any of the provisions of this act or any rules or regulations adopted pursuant to this act is guilty of a gross misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment."

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Guess yield to a question? Senator Guess, I can understand your making the fine applicable to any violation of the law, but knowing the difficulty with the rules and regulations we have had where a person may not know he is violating the law under a rule or regulation, do you think the fine should extend that far?"

Senator Guess: "Senator, I would not have done it, but I was told by the attorney that they had to have total control over the thing. This is the same exact language with the exception of the misdemeanor versus a gross misdemeanor that is in the manufactured housing. They have had no problem in enforcing the law and the rules and regulations in the manufactured housing, and I think that this one complies. It lets us comply with the federal government where they say ten thousand dollars per fine or a million dollars total liability, and it also has the rules and regulations so I think that this is a better procedure than going the way that the federals have gone."

Senator Rasmussen: "Thank you."

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

Senator Donohue moved adoption of the following amendment:

On page 3, line 15, after "inspections" and before the period insert ": PROVIDED, That such increases shall not become effective until approved at the following legislative session"

#### POINT OF INQUIRY

Senator Cunningham: "Will Senator Donohue yield to a question? I think I know what you want to do, but do you mean the next regular session or special session?"

Senator Donohue: "The next legislative session would be the next session, Senator."

Senator Cunningham: "Does that mean '77 or '78? That is what want to know."

Senator Donohue: "Maybe the words should be 'the following session.'"

#### REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Senator Donohue, your amendment reads to the effect that these increases shall not become effective. This is talking about the institution of fees that may previously not have been in existence, and I would also suggest you might want to consider just leaving the authority to establish the fees to the Legislature rather than proceeding in the way you are, but I suggest you are going to have to reword that to accomplish your intention because you are talking about increases where it may not be an increase."

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Donohue would yield? Senator Donohue, you are not by this amendment making it not possible for the department to enforce these regulations? We don't want them dumping unsafe and understandard trailer homes in the state of Washington. We want to have as good as the rest of the states have."

Senator Donohue: "I understand that, Senator. It is not my intention to delay. I was trying to improve something that I thought was wrong, and that was that they would just have the right to go ahead and if they had overspent, it said 'offset the expenses incurred,' if they had overspent that they could just increase those fees."

Senator Talley: "Senator Donohue, I can agree with your intent, but I certainly hope we have not made it possible that the department won't go ahead and enforce these federal regulations so that we have the same high quality of trailer homes as the other states in the union."

"That is the only thing I am concerned about. Then you think that if it is wrong it will be corrected in the House? That is the only thing I am concerned about is that we don't amend it so it is not put into effect."

There being no objection, Senator Donohue withdrew his proposed amendment.

On motion of Senator Van Hollebeke, Engrossed 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 Engrossed Senate Bill No. 2387, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North,

Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Voting nay: Senators Bluechel, Clarke, Guess, Hayner, Herr, Jones, Lewis, Pullen, Sellar—9.

Excused: Senators Bausch, Scott, Woody—3.

ENGROSSED 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.

#### MOTION

On motion of Senator Peterson, Substitute Senate Bill No. 2104 was ordered reprinted and rereferred to the Committee on Natural Resources.

#### MOTION

On motion of Senator Walgren, all remaining bills, excluding gubernatorial appointments, were returned to the Committee on Rules to their highest position.

#### MOTION

At 4:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, March 1, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, March 1, 1977.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Francis and Woody. On motion of Senator Odegard, Senators Francis and Woody were excused.

The Color Guard, consisting of Pages Jon Wiley and Nancy Hammersly, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, DESIGNER, CREATOR AND SUSTAINER OF THE UNIVERSE, WE PRAISE YOU AS THE CREATOR OF THIS LAND AND OF THIS TIME—DISJOINTED AND TRYING, YET AN OPPORTUNE TIME TO PERCEIVE AND IMPLEMENT YOUR PLAN FOR THIS STATE AND ITS PEOPLE. WE RECOGNIZE THAT WE CANNOT HIDE OUR ABILITY OR OUR INABILITY FROM YOU; NEITHER OUR ENERGY OR OUR SLOTH; NEITHER OUR USE OR OUR ABUSE OF YOUR MANDATE TO SERVE. YOU, O LORD, SEE US AND YOU PLACE A BURDEN OF RESPONSIBILITY UPON US TO ACT AS PEOPLE IN YOUR DIRECT LINE OF VISION.

"WE THANK YOU FOR THE GIFT OF ANOTHER DAY—FOR THE RAIN THAT HAS FALLEN AND FOR YOUR MERCIES THAT ARE AS FRESH AND NEW AS EACH MORNING'S DEW. WE THANK YOU FOR THE PRIVILEGE OF BEING AMERICANS—AND CITIZENS OF THIS GREAT STATE. WE THANK YOU FOR MAKING CONSTITUTIONAL GOVERNMENT A REALITY FOR US. WE THANK YOU FOR THE SPECIAL LEGISLATIVE FUNCTION THESE SENATORS HAVE BEEN COMMISSIONED TO FULFILL IN THIS GREAT ENTERPRISE. WE THANK YOU FOR THE DIVERSITY OF TALENT REPRESENTED HERE AND YET THE SINGLENES OF PURPOSE TO SERVE.

"PLEASE HELP US GET THINGS TOGETHER SO THIS CAN BE A WORTHWHILE SESSION FOR THESE MEN AND WOMEN AND FOR THE CONSTITUENCY THEY REPRESENT. HELP RELIEVE THE TENSIONS THAT COME WITH AN HONEST EFFORT TO MAKE DECISIONS AND ENACT LEGISLATION THAT IS HONORABLE AND TRULY IN THE BEST INTEREST OF ALL. INVEST US WITH WISDOM, REFLECTIVE OF YOUR OWN—AND ENTHUSIASM BORN OF YOUR SPIRIT TO DO THE RIGHT. IN JESUS' 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

February 24, 1977.

SENATE BILL NO. 2035, requiring state agencies to permit individuals to see the records of personal information systems (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2035 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

February 28, 1977.

SENATE BILL NO. 2294, pertaining to selection of jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 28, 1977.

SENATE BILL NO. 2527, relating to motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2527 be substituted therefor and the substitute bill do pass.

Signed by: Henry, Chairman, Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1977.

ENGROSSED HOUSE BILL NO. 69, reporting cost data on boards and commissions (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 95, redefining "roadway" and permitting only certain stops therein (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 106, deleting the requirement of farmer signature for vehicle farm license applications and permits the movement of parade floats with letters of authority (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 122, increasing county participation in reviews of ferry tariffs and charges (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.



Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 28, 1977.

SUBSTITUTE HOUSE BILL NO. 200, increasing the petty cash account limit (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

March 1, 1977.

SUBSTITUTE HOUSE BILL NO. 427, funding county operated ferries (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 28, 1977.

Mr. President: The House has adopted HOUSE JOINT RESOLUTION NO. 6, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 28, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23,

ENGROSSED HOUSE BILL NO. 41,

HOUSE BILL NO. 397,

HOUSE BILL NO. 500, and

HOUSE BILL NO. 573, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk,

February 28, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 71,

SUBSTITUTE HOUSE BILL NO. 183,

HOUSE BILL NO. 213,

HOUSE BILL NO. 306,

HOUSE BILL NO. 313,

ENGROSSED HOUSE BILL NO. 358,

SUBSTITUTE HOUSE BILL NO. 384,

HOUSE BILL NO. 444,

HOUSE BILL NO. 484,

HOUSE BILL NO. 503,

HOUSE BILL NO. 613,

HOUSE BILL NO. 635,

HOUSE BILL NO. 661, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, by Committee on Social and Health Services (originally sponsored by Representatives Valle, Burns, Charnley, Craswell, Erickson, Fischer, Grimm, Gruger, Hawkins, Kreidler, Maxie, Paris, Pruitt, Sanders and Whiteside):

Establishing a dental disciplinary board.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 41, by Representatives Hurley (Margaret), Lee and North:

Providing mounted rangers to two state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, by Committee on State Government (originally sponsored by Representatives o'Brien, Nelson (Gary), Ehlers, Burns, Greengo, Knedlik and Lysen) (by Governor Evans request):

Providing for an office and advisory council on archaeology and historic preservation.

Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 71, by Committee on Revenue (originally sponsored by Representatives Sommers, Zimmerman, Burns, Charnley and Greengo) (by Governor Evans request):

Authorizing property tax exemption for improvements to historic sites or structures.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 183, by Committee on Judiciary (originally sponsored by Representatives Smith, Knowles, Enbody, Knedlik and Hanna):

Establishing procedures for guardianship of disabled persons.

Referred to Judiciary Committee.

HOUSE BILL NO. 213, by Representatives Shinpoch, Knedlik and Vrooman: Requiring the school directors' association to mark its vehicles in conformance with state law.

Referred to Committee on State Government.

HOUSE BILL NO. 306, by Representative Nelson (Gary):

Repealing comic book laws.

Referred to Committee on Commerce.

HOUSE BILL NO. 313, by Representatives Knowles, Haley, McKibbin and Vrooman:

Relieving from liability hospitals and certain professionals for withdrawing blood when so directed by law enforcement officer pursuant to implied consent law.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 358, by Representatives Clemente, Barnes, Heck and Kreidler:

Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 384, by Committee on Financial Institutions (originally sponsored by Representatives Eng, Fischer and Vrooman):

Providing for the confidentiality of examination reports of financial institutions.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 397, by Representatives Tilly and Smith (by Judicial Council request):

Implementing code of responsibility criteria in awarding reasonable attorney's fees in eminent domain cases.

Referred to Judiciary Committee.

HOUSE BILL NO. 444, by Representatives Conner, Charnley, Lux and Grier:

Increasing parents' liability for property damage caused by their children to \$3,000.

Referred to Judiciary Committee.

HOUSE BILL NO. 484, by Representatives Sommers, Flanagan and Sherman:

Regulating the retail sale of frozen fish and shellfish.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 500, by Representatives Sommers and Knedlik (by Department of Revenue request):

Making general procedural and housekeeping changes in the excise tax laws.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 503, by Representatives Sommers and Knedlik (by Department of Revenue request):

Providing for the collection use taxes on aircraft by the department of motor vehicles.

Referred to Committee on Transportation.

HOUSE BILL NO. 573, by Representatives Charette and Shinpoch:

Appropriating funds for session law publication.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 613, by Representatives Sommers and Nelson (Gary) (by Department of Revenue request):

Repealing property tax revaluation ratio procedures.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 635, by Representatives Enbody, Knowles, Monohon, Knedlik, Grier, McCormick and Hughes:

Defining what persons are lawfully on the property of another for the purposes of determining liability for dog bites.

Referred to Judiciary Committee.

HOUSE BILL NO. 661, by Representative Douthwaite:

Permitting policy owners to return disability insurance policies within ten days.

Referred to Committee on Financial Institutions and Insurance.

HOUSE JOINT RESOLUTION NO. 6, by Representatives King, Fortson, Burns, Charnley, Grier, Knowles, Lux, Maxie, McCormick, Douthwaite, Eng, Gaines, Gruger, Hawkins, Lysen, Nelson (Dick), North, Pruitt and Whiteside:

Placing a proposition for a constitutional convention before the voters.

Referred to Committee on Constitution and Elections.

## SECOND READING

HOUSE BILL NO. 178, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Corrects double amendment to RCW 82.04.291.

## MOTION

On motion of Senator Walgren, House Bill No. 178 was referred to the Committee on Ways and Means.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, a point of inquiry. Could I ask Senator Clarke a question?"

"Senator Clarke, who made this change?"

Senator Clarke: "This is a code reviser's bill that normally when there are in effect conflicting statutes that need to be brought in conformity and it is merely a technical change, that is handled by the code reviser's office. In this instance they found that there was a substantive change, and so that then removed it from the type of bill that they present as a code reviser change which has nothing substantive in it. So they are withdrawing that in substance as a code reviser's bill and asking, in effect, that no action be taken until it be determined whether it is desirable to make any substantive change, and that it is not one of their functions."

Senator Bailey: "Senator Clarke, was this done by someone intentionally or was this just an error trying to revise the code?"

Senator Clarke: "It is my understanding that it was done completely unintentionally. It was not realized that there was a substantive change until the code reviser's office themselves in further analysis found that there was an expiration date in '79, and that this should be taken care of at that time instead of now because if it was done now, it might be regarded as a substantive change."

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 172.

## SECOND READING

HOUSE BILL NO. 172, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Repeals RCW sections to correct education code.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 172 was advanced to third reading, the second 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. 172, and the bill passed the Senate by the following vote: Yeas, 46, excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Francis, Pullen, Woody—3.

HOUSE BILL NO. 172, having received the constitutional majority, 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. 173, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Corrects double amendment to RCW 41.05.020 and 41.06.110.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 173 was advanced to third reading, the second 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. 173, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—47.

Excused: Senators Francis, Woody—2.

HOUSE BILL NO. 173, having received the constitutional majority, 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. 174, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Corrects double amendment to RCW 43.17.010 and 43.17.020.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 174 was advanced to third reading, the second 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. 174, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn.—46.

Absent or not voting: Senator Morrison—1.

Excused: Senators Francis, Woody—2.

HOUSE BILL NO. 174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 175, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Revisers Office request):

RCW correction—Corrects double amendment to RCW 46.16.210.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 175 was advanced to third reading, the second 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. 175, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Absent or not voting: Senator Morrison—1.

Excused: Senators Francis, Woody—2.

HOUSE BILL NO. 175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 176, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Corrects double amendment to RCW 67.08.003.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 176 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### MOTION

On motion of Senator Jones, Senator Lewis was excused.

### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Clarke yield to a question? I had to look to see if Senator Bailey was on the floor. Senator Clarke, in reading the explanatory note on these code reviser's bills, I note that they have been amended twice. How do they handle that? Could you explain briefly how the code reviser handles it. Is it the last amendment that counts, or do they just kind of go in the middle ground and decide what they think was the legislative intent?"

Senator Clarke: "Well, it is my understanding, Senator, that if there is any question whatsoever with regard to legislative intent or which would purport to constitute a substantive change, that the code reviser does not offer such a bill. For

instance, where they are correcting a double amendment there will be the same substantive amendment that appears in two different places, and they merely consolidate in one place. It is my understanding that they are very careful to screen these, and if there is any suggestion that there is a substantive change they do not present it as a code reviser bill.

"That is the reason, as I earlier explained, why 178 was sent to ways and means because on further examination the code reviser's office itself found that they did feel that there could be a substantive change, and if any member has any feeling that there is a substantive change and that is brought to their attention, I am sure there would be no objection to taking the bill back and satisfying you that there is no substantive change."

Senator Rasmussen: "I wondered when it goes to judiciary committee if they actually screen these or if they accept them as being OK."

Senator Clarke: "I cannot assure you the extent to which the judiciary staff double checks the code reviser's efforts in this regard. I will say that the code reviser has, in the past, been accurate to the extent that perhaps there is some tendency on the part of the staff not to check them too thoroughly.

"It is a strictly technical type job, but this is one of the reasons incidentally, why the code reviser is so interested itself in being certain there is no substantive change because if they do submit a bill, and it is later found that there is a substantive change, that would affect their credibility as to all future matters. Instead of having these things more or less accepted by the body as they presently are, we would have to look into them, so I would say that unless and until we find that there is an enactment where there has been a substantive change brought about by a code reviser's suggestion, we should continue with this present methodology."

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 176, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Voting nay: Senator Peterson—1.

Excused: Senators Francis, Lewis, Woody—3.

HOUSE BILL NO. 176, having received the constitutional majority, 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. 177, by Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request):

RCW correction—Corrects double amendment to RCW 70.95.040.

The bill was read the second time by sections.

On motion of Senator Clarke, House Bill No. 177 was advanced to third reading, the second 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. 177, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Guess—1.

Excused: Senators Gaspard, Lewis, Woody—3.

HOUSE BILL NO. 177, having received the constitutional majority, was declared passed. 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 Gubernatorial Appointment No. 35, Glenn E. Correa.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Donohue, the appointment of Glenn E. Correa as a member of the Board of Tax Appeals was confirmed.

## APPOINTMENT OF GLENN E. CORREA

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Matson—1.

Excused: Senators Francis, Mardesich, Woody—3.

## MOTION

On motion of Senator Donohue, the appointment of Joan Thomas as a member of the Board of Tax Appeals was confirmed.

## APPOINTMENT OF JOAN THOMAS

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—42.



Absent or not voting: Senators Guess, Peterson, Pullen, Wanamaker—4.  
Excused: Senators Francis, Lewis, Woody—3.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 54, Joe D. Haussler.

#### MOTION

On motion of Senator von Reichbauer, the appointment of Joe D. Haussler as a member of the Parks and Recreation Commission was confirmed.

#### APPOINTMENT OF JOE D. HAUSSLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Gaspard, Lewis, Woody—3.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 22, Sally Starke.

#### MOTION

Senator Sandison moved the appointment of Sally Starke as a member of the Board of Trustees of Tacoma Community College, District No. 22 be confirmed.

#### POINT OF ORDER

Senator Clarke: "Point of order, Mr. President. Appointment number 22, as well as 25, 30, 39, 40 and 17 are within the group as to which a mass withdrawal was requested by the Governor and they were acted all at once by the Senate. With the consent of the Senate, I would like to have it agreed that the same point of order that was raised with the previous appointments be made applicable to each of those to which I have referred, that the Ruling of the Chair be also made applicable as well as the respective presentations on both sides, and the reasons that were filed by certain parties as to voting 'no'. In that connection I would again like to reemphasize that our 'no'. In that connection I would again like to reemphasize that our 'no' votes in this connection had nothing to do with the qualifications or desirability of the appointees because many of those are excellent appointees. So, with the consent of the Senate, I would ask that that be followed."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "From counsel, we so stipulate."

The motion by Senator Sandison carried and the appointment of Sally Starke as a member of the Board of Trustees of Tacoma Community College, District No. 22 was confirmed.

## APPOINTMENT OF SALLY STARKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Francis, Lewis, Woody—3.

## PERSONAL PRIVILEGE

Senator Rasmussen: "I would just like to remind the Republicans when they vote against a fully qualified person that they are living in the memory of their dear, departed Governor who is now skiing in Switzerland at nine hundred dollars a month on the taxpayers' money and could care less whether school keeps or not. Thank you, Mr. President."

## PERSONAL PRIVILEGE

Senator Newschwander: "That is totally out of the decorum of this Senate, and I think it is totally uncalled for, Slim."

## MOTION

At 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:15 p.m.

At 1:20 p.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of participating in Memorial Services.

## JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort President Pro Tempore Al Henry to a seat on the rostrum.

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

The Speaker called the Joint Session to order and turned the gavel over to the President Pro Tempore of the Senate.

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

The Clerk called the roll of the House and all members were present except Representatives Conner, McCormick and Nelson (Gary), who were excused.

President Pro Tempore Henry: "Honored members of the Legislature, ladies and gentlemen: The purpose of this Joint Session is to conduct memorial services in

memory of the departed former members of the Legislature. The President Pro Tempore at this time would like to respectfully present the Honorable Paul Pruitt."

The President Pro Tempore of the Senate turned the gavel over to Representative Pruitt.

The following memorial services were observed:

**MEMORIAL PROGRAM**

**INVOCATION**

by

Reverend Charles A. Loyer

Westminster Presbyterian Church, Olympia

"Eternal God and Father, Who hast written intimations of immortality into the poetry of the seasons and so into the hearts of men, we thank You for this memorial service which provides us with the occasion for reaching into the past and reclaiming for ourselves moments of high privilege and rich experience. With heads and hearts bared we would pay homage to the lives and works of those Legislators who once peopled these chambers, but have since gone to their everlasting rewards. Now remember those loved ones who bear the burden of bereavement, sustain and guide them as they pursue the poignant and difficult task of putting together the jigsaw puzzle of their lives without that familiar and central piece into which all others have so happily fit. Be unto them, O God, an ever present help in time of need. Amen."

**PACIFIC LUTHERAN UNIVERSITY CHORALE**

Ed Harmic, Director

"Tu Pauperum Refuquim" ..... Josquin Des Prez  
 "Psalm 9" ..... Maurice Monhardt  
 "Exaltation" ..... F. Melius Christiansen

(Part II from Celestial Springs)

**MEMORIAL TRIBUTE**

by Representative Paul Pruitt

"The poet Scott writes: 'I sing a song of the saints of God, patient and brave and true; one was a doctor and one was a priest, one was a shepherdess on the green; they were all of them saints of God and I mean, God helping, to be one, too.'

"As you know, through the years of the history of the church the church has named certain special people that have been in the service of mankind saints. It became a part of their title so it's spelled with a capital S. I doubt there would be much enthusiasm, if any enthusiasm, either inside or outside the Legislature for us to have laws of certain people being saints; in our business there never would be. I am suggesting today in this memorial service that there were political saints. Of course, spelled with the small letter s. There are differences between the saints the church has designated and the political saints, and we would not suggest the differences, nor need to. But there are also some similarities and I would like to suggest some of those similarities.

"Among the political saints there is a certain amount of notoriety; to be in a political office there is the popularity of being out in public and being recognized, but along with that popularity and notoriety, the political saint also has a measure of humility. It is possible that humility has come about by circumstances—defeat in office, inability to achieve the ideals and goals that the candidate once had, or perhaps the humility is more innate than the character personality before joining the Legislature or working with the public. Nonetheless, whatever it is, the popularity, the notoriety, is joined with a measure of humility in the political saint. I suggest also that the political saint who we honor is one that recognized—and how does one

avoid the recognition of certain privileges in office? Privileges in the privilege of election and yet at the same time I would suggest that the privileges in the political saint were never misused to the point that responsibility, either great or some moderate measure of responsibility, was also taken along with privilege. It is also a responsibility.

"Then the political saints that we are talking about also wanted to take the stance of a servant—take a servant posture in office, not a slave. There is a difference between a servant and a slave, because a slave is locked into a position and has no more individuality and does not stand on his own. But a servant, yes, is one who holds the office to the people. A political saint is one who responds to those people, who reacts to the people. A political saint is also a servant.

"I sing then, says Scott, a song of these saints. You can meet them in church or in school. You can meet them in shops or at tea. All of them are saints of God and, God—helping, I'll be one too. I suggest that in a memorial service that we do cast some halos on the political saints; that the friends gathered in honor of these persons whom we are now to name, the families, the colleagues of Legislators departed from the House and the Senate, will recognize in your own minds, will cast your own halos, recognizing those periods in life and be thankful for the periods of stress, of controversy, even periods of failure, maybe of despair, but thankful that saints learned and grew, expanded in knowledge and in understanding. You also, in casting your halos, say thanks for the times of victory, times of triumph, the times of the great contributions of the persons that we now honor.

"Let us then join in the honoring of each person in this time of memorial."

Flower tribute by Members of Senate and House

"Couldn't Hear Nobody Pray" . . . . . Hall Johnson

IN MEMORIAM

In tribute to the memories of our distinguished former members of the House and Senate who have passed from among us during the preceding biennium, the Forty-fifth Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

In Memory of:  
Maurice H. Ahlquist  
Archie Baker  
R. C. Russ Barlow  
Thomas H. Bienz  
Horace W. Bozarth  
J. K. Van Buskirk  
Roscoe Cox  
B. J. Dahl  
Gerald G. Dixon  
Michael J. Gallagher  
Martin P. Halleran  
Eugene D. Ivy  
Joseph C. Lawrence  
Charles R. Savage  
Carlton Sears  
William Shannon  
Alfred Westberg  
Ella Wintler  
Dayton A. Witten  
Perry B. Woodall

Tribute by  
Charles Kilbury  
Richard A. King  
Charles Newschwander  
William J.S. "Bill" May  
George Sellar  
Don L. Talley  
E. G. "Pat" Patterson  
Bruce A. Wilson  
A. L. "Slim" Rasmussen  
John L. O'Brien  
Rick Smith  
Jim Whiteside  
James E. Gilleland  
Gordon Sandison  
Mike Kriedler  
George W. Clarke  
George W. Scott  
Al Bauer  
Peter von Reichbauer  
Sid W. Morrison

**BENEDICTION**

Father William Treacy  
St. Michael's Parish, Olympia

"Almighty God, You have spoken to millions of us in this country recently, revealing our hunger, for in the television series 'Roots' we are reminded that whatever our race, the very fact of our existence we owe to those who have gone before us. Whether it shall be people who lived in bondage in Egypt or pilgrims in the desert or citizens of the free countries. Today we give thanks to the men and women who served in this Legislature who are no longer with us—to the struggle to be elected, to hours of committee hearings, and hours of debate and the laws they enacted. They help to preserve our hard-won freedom and to make our state a more just state in which to live. With grateful hearts to their contributions we turn to You today, Lord. We hope our presence here today will communicate joy to them. We ask Thy blessing for those who follow in their footsteps, that they may be men and women of vision, courage and integrity, who will make the American dream rooted in diversity, real in our times. Amen."

"Taps" ..... Specialist 4 Benjamin Van Winkler  
Fort Lewis Army Base

**POINT OF PERSONAL PRIVILEGE**

Ms. Gruger: "This is my first session in the Legislature, but it is not my first time viewing a memorial service. In 1962 I was in the gallery. It was appropriate that I be in the gallery because my mother had been a member of another Legislature and she had passed away earlier that month. I was not an invited guest, I happened to be driving up the highway, saw the Capitol and thought 'it's Washington's Birthday, but perhaps they are in session.' We arrived just in time to witness the memorial service. Later I found that my sister had been invited to the North Dakota service and had attended it. I appreciated the service that day. Now that I know how busy you all are perhaps I appreciate it even more. On behalf of the families of deceased members I would like to thank the committee, the members of the Senate, the members of the House of Representatives. Thank you."

Representative Pruitt returned the gavel to President Pro Tempore Henry.

President Pro Tempore Henry: "Thank you, Representative Pruitt, our appreciation and gratitude to you, Reverend Loyer, Father Treacy, Representative Erickson and other members of the memorial committee. The President Pro Tempore is sure that the loved ones of the dearly departed gained considerable solace and comfort from this very impressive ceremony."

On motion of Ms. Erickson, the Joint Session was dissolved.

President Pro Tempore Henry returned the gavel to the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort President Pro Tempore Al Henry from the House Chamber.

President Pro Tempore Henry called the Senate to order at 2:10 p.m.

**MOTION**

At 2:10 p.m. on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, March 2, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 2, 1977.

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.

The Color Guard, consisting of Pages Julie Kinart and Alex Dunbar, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, LORD AND MASTER OF US ALL; HELP US TODAY TO REMEMBER THE WORDS OF YOUR SERVANT PAUL: 'NO AUTHORITY EXISTS WITHOUT GOD'S PERMISSION, AND THE EXISTING AUTHORITIES HAVE BEEN PUT THERE BY GOD.' YOU ARE THE ONE FROM WHOM ALL AUTHORITY AND POWER COMES AND THAT INCLUDES OURS TO DO LEGISLATION FOR YOUR PEOPLE. YOU HAVE MADE IT ABUNDANTLY CLEAR THAT YOU WANT US TO DO WHAT WE DO IN A WAY THAT WILL BE A CREDIT TO YOU AND HELPFUL TO YOUR PEOPLE. LORD, THIS IS A HEAVY RESPONSIBILITY AND WE COME TO YOU AT THE BEGINNING OF THIS SESSION AND ASK YOU TO HELP ALL OF US REMEMBER WHAT WE ARE HERE FOR AND WHO WE ARE HERE FOR. WHEN WE REMEMBER WHAT WE ARE HERE FOR, HELP US TO DO OUR JOB WITH EAGERNESS AND ENTHUSIASM, BEARING IN MIND THAT YOU DO WANT YOUR PEOPLE TO BE WHOLE, HEALTHY, AND HAPPY. AS WE REMEMBER WHO WE ARE HERE FOR, THAT IS FOR YOU AND FOR OTHER PEOPLE, THEN PLEASE SET US FREE FROM PETTINESS, FALSE PRIDE AND PREJUDICE. HELP THESE SENATORS REMAIN ALERT AND PERCEPTIVE OF THE REAL NEEDS OF ALL THE PEOPLE AND HELP THEM CARRY OUT THEIR WORK IN A WAY THAT WILL BE MOST HELPFUL FOR ALL. MAKE THEM WISE AND JUDICIOUS IN THE VOTES THEY CAST. IN CHAMBERS AND COMMITTEES, TEMPER THEIR FIRMNESS AND PERSEVERANCE WITH PATIENCE AND KINDNESS. WE ASK FORGIVENESS FOR PAST MISTAKES AND GUIDANCE FOR TODAY IN THE STRONG NAME OF JESUS. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 1, 1977.

SENATE BILL NO. 2295, allowing joinder or cross-filing by additional parties in action to review administrative decision (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 1, 1977.

SENATE BILL NO. 2299, allowing review of agency action in the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 2, 1977.

SENATE BILL NO. 2593, relating to community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2593 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Odegaard.

Passed to Committee on Rules.

March 1, 1977.

ENGROSSED HOUSE BILL NO. 1, authorizing port districts to waive or reduce rent security deposits for nonprofit corporations (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 18, adding municipal gasworks to utilities that can get lien for unpaid bill (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1977.

HOUSE BILL NO. 45, extending the filing date of liens on crops (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 148, providing for the operation and maintenance of the Puget Island ferry (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 180, extending long-arm statute for parties in marriage dissolution cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 1, 1977.

HOUSE BILL NO. 186, permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, Pullen, von Reichbauer, Wojahn, Hayner.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 216, allowing expenses for school district superintendent candidates who travel for employment interview (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 1, 1977.

ENGROSSED HOUSE BILL NO. 245, allowing counties to establish biweekly pay periods (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 585, providing that each state college board of trustees have a treasurer who shall be bonded (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Odegaard.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 28, 1977.

ROBERT DOWNING, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on February 3, 1977 for the term ending February 3, 1982, succeeding Thomas Garrett (reported by the Committee on Parks and Recreation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Odegaard.

Passed to Committee on Rules.

March 2, 1977.

DR. J. H. LEHMANN, to the position of member of the Board of Regents, University of Washington, appointed by the Governor on March 15, 1977 for the term ending March 14, 1983, succeeding George Powell (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Odegaard.

Passed to Committee on Rules.



## MOTION

At 10:12 a.m., on motion of Senator Walgren, the Senate recessed until 11:35 a.m.

## SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:35 a.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 25.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Sandison, the appointment of Linda Clifton as a member of the Board of Trustees of Central Washington State College was confirmed.

## APPOINTMENT OF LINDA CLIFTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 5.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Marsh, McDermott, Odegaard, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker—17.

Absent or not voting: Senators Keefe, Mardesich, Peterson, Sellar, Talley—5.

## MOTION

On motion of Senator Sandison, the appointment of Tom Galbraith as a member of the Board of Trustees of Central Washington State College was confirmed.

## APPOINTMENT OF TOM GALBRAITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 32; nays, 16; absent or not voting, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Wanamaker—16.

Absent or not voting: Senator Sellar—1.

## MOTION

On motion of Senator Sandison, the appointment of Mary Hersey as a member of the Board of Trustees of Yakima Valley Community College District No. 16 was confirmed.

## APPOINTMENT OF MARY HERSEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; nays, 17; absent or not voting, 2.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker—17.

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

Senator Rasmussen commenced an explanation on votes and the following ensued:

## POINT OF ORDER

Senator Newschwander: "Point of order. I think Senator Rasmussen is out of order."

President Pro Tempore Henry: "I think he is trying to take you off the hook if you want to know the truth about it."

Senator Newschwander: "I think he is out of order and this is not being done before. I object."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point of order is well taken."

## PERSONAL PRIVILEGE

Senator Rasmussen: "Personal privilege, Mr. President—"

## POINT OF ORDER

Senator Newschwander: "Same point of order."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Same point of order is sustained. I am sorry, Senator Rasmussen."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, what rule is Senator Newschwander operating by?"

## REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Mine."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, would the President explain that we are not appointing unqualified people—"

## POINT OF ORDER

Senator Newschwander: "Mr. President, point of order again. I object. He is going through the back door this time."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I think the members of the Senate and the visitors who are with us today recognize full well that the Governor would not send up to the Senate floor anybody that was unqualified, and certainly the vote that sustains the appointments that are made here today certainly points that out. These people are well qualified to hold the positions to which they have been appointed."

## REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think to further explain: Senator Clarke has entered in the record a certain objection because of a certain legal technicality in that it does not reflect the minority's opinion of the people that are being worked on here today. It is strictly a technical point."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "You speak very clearly, and Senator Newschwander and Senator Clarke don't jump up so often when the President is speaking as they do when Senator Rasmussen is speaking."

## REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "I would just like to remind my friend, Senator Rasmussen, you promised yesterday you would give me three minutes notice before you did this again."

## MOTION

On motion of Senator Jones, Senator Sellar was excused.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Sandison, the appointment of Mel Sampson as a member of the Board of Trustees of Yakima Valley Community College, District No. 16, was confirmed.

## APPOINTMENT OF MEL SAMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker—16.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senator Sellar—1.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 55.

## SECOND READING

ENGROSSED HOUSE BILL NO. 55, by Representatives Deccio, Boldt, Becker, Kilbury, Amen, Flanagan, Hansen, Erickson and Clayton (by House Committee on Agriculture of the 44th Legislature request):

Revising regulation and support of stream patrolmen.

The bill was read the second time by sections.

On motion of Senator Gaspard, Engrossed House Bill No. 55 was advanced to third reading, the second 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. 55, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Fleming—1.

Excused: Senator Sellar—1.

ENGROSSED HOUSE BILL NO. 55, having received the constitutional majority, 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. 69, by Representatives Nelson (Gary), Sommers, Leckenby, Boldt, Clayton, Deccio, Ehlers, Greengo, Knedlik, Lee, Polk and Taller:

Reporting cost data on boards and commissions.

The bill was read the second time by sections.

Debate ensued.

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

On page 2, line 22, after "total" strike "estimated"

On motion of Senator Rasmussen, Engrossed House Bill No. 69, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 69, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould,

Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 69, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 95, by Representatives Sherman, Charnley and Lee: Redefining "roadway" and permitting only certain stops therein.

The bill was read the second time by sections.

On motion of Senator Beck, House Bill No. 95 was advanced to third reading, the second 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. 95, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Bausch—1.

HOUSE BILL NO. 95, having received the constitutional majority, 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. 106, by Representatives Conner, McCormick, Patterson, Fancher, Fuller and Struthers (by Department of Motor Vehicles request):

Deleting the requirement of farmer signature for vehicle farm license applications and permits the movement of parade floats with letters of authority.

The bill was read the second time by sections.

On motion of Senator Henry, House Bill No. 106 was advanced to third reading, the second 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. 106, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 106, having received the constitutional majority, 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. 122, by Representatives Conner, Owen and Vrooman:  
Increasing county participation in reviews of ferry tariffs and charges.

The bill was read the second time by sections.

On motion of Senator Beck, House Bill No. 122 was advanced to third reading, the second 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. 122, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 122, having received the constitutional majority, 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. 200, by Committee on State Government (originally sponsored by Representatives Sommers, Nelson (Dick), Ehlers and Lux):  
Increasing the petty cash account limit.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Substitute House Bill No. 200 was advanced to third reading, the second 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. 200, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Voting nay: Senator Murray—1.

SUBSTITUTE HOUSE BILL NO. 200, having received the constitutional majority, 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. 277**, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Moreau, Hughes and Schmitten):

Penalizing the taking of bear and cougar during closed season.

The bill was read the second time by sections.

On motion of Senator Peterson, Substitute House Bill No. 277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 277, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—47.

Voting nay: Senators Scott, Woody—2.

**SUBSTITUTE HOUSE BILL NO. 277**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 427**, by Committee on Transportation (originally sponsored by Representatives Berentson, Vrooman, Moreau and Gallagher):

Funding county operated ferries.

The bill was read the second time by sections.

On motion of Senator Beck, Substitute House Bill No. 427 was advanced to third reading, the second 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. 427, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Bausch—1.

**SUBSTITUTE HOUSE BILL NO. 427**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTIONS

On motion of Senator Day, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 2983.

On motion of Senator Day, Senate Bill No. 2983 was referred to the Judiciary Committee.

## MOTION

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

## THIRD READING

SENATE JOINT RESOLUTION NO. 109, by Senators Donohue, Mardesich, Woody, Scott and Odegaard:

Pertaining to state debt limitations.

The Senate on February 28, 1977 moved to reconsider the failure of Senate Joint Resolution No. 109 to pass the Senate on February 24, 1977 and the bill was placed on third reading.

## MOTIONS

On motion of Senator Murray, Senate Joint Resolution No. 109 was returned to second reading.

Senator Murray moved adoption of the following amendments by Senators Murray and Washington:

On page 1, line 13, after "than" strike "~~((nine))~~ five" and insert "nine"

On page 1, line 16, after "treasurer" insert "PROVIDED, That for all payments of principal and interest in excess of five percent the legislature shall set standards to ensure that the projects so financed are capable of sufficient savings or revenue to the state, and/or its political subdivisions, and/or its people as to meet such payments as required"

Debate ensued.

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

On motion of Senator Donohue, Senate Joint Resolution No. 109 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. 109, and the resolution passed the Senate, on reconsideration, by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bluechel, Fleming, Goltz, Grant, Guess, Murray, Ridder, Van Hollebeke, von Reichbauer, Washington—10.



SENATE JOINT RESOLUTION NO. 109, having received the constitutional two-thirds majority, on reconsideration, was declared passed.

MOTION

At 12:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, March 3, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 3, 1977.

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 Francis. On motion of Senator Odegaard, Senator Francis was excused.

The Color Guard, consisting of Pages Peggy Cross and David Williams, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, YOU ARE A STRONG GOD WHO SUPPLIES STRENGTH. YOU ARE THE CREATING LORD WHO PROVIDES CREATIVITY. YOU ARE A LOVING GOD WHO DEMONSTRATES LOVE AND MAKES IT POSSIBLE FOR US TO LOVE. YOU ARE A JUST GOD WHO REQUIRES JUSTICE AND MAKES IT POSSIBLE FOR US TO EFFECT JUSTICE. WE PAUSE IN YOUR PRESENCE, ASKING YOU TO SUPPLY THESE AND ALL THE GOOD GIFTS WE NEED FOR THIS DAY'S TASK.

"FOR TASKS BEGUN BUT NOT YET DONE BECAUSE OF OUR PROCRASTINATION, WE ASK FORGIVENESS. FOR LOOKING AT THE WORLD WITH FILTERED VISION AND SEEING ONLY WHAT PLEASES, WE ASK YOUR FORGIVENESS. FOR THE TIMES WE HAVE USED PEOPLE INSTEAD OF SERVING THEM, WE ASK YOUR FORGIVENESS.

"WITH GRATEFUL HEARTS, WE ACKNOWLEDGE THE ABILITIES YOU HAVE PROVIDED THESE SENATORS TO FORMULATE JUST AND EQUITABLE LEGISLATION. WE THANK YOU FOR THE OPPORTUNITY YOU HAVE PROVIDED THESE INDIVIDUALS AND THIS BODY, COLLECTIVELY, TO SERVE — AND FOR THE PEOPLE WHO HAVE GIVEN THEM THE MANDATE TO SERVE. AND CERTAINLY, LORD, WE THANK YOU FOR THE BEAUTY OF THIS NEW DAY AND FOR THE RAIN YOU HAVE SENT DOWN FROM HEAVEN WHICH WILL NOT RETURN TO YOU WITHOUT ACCOMPLISHING ITS PURPOSE.

"PLEASE, DEAR GOD, GIVE THESE MEN AND WOMEN CLEAR HEADS, PERCEPTIVE MINDS, THE WILLINGNESS AND THE ABILITY TO FIND COMMON GROUND TO RESOLVE THE DILEMMA OF DEADLOCK, THE HUMILITY AND THE ACUMEN TO SORT OUT THE GOOD FROM THE BAD, THE NECESSARY FROM THE UNNECESSARY, TO DEVISE WAYS AND MEANS THAT WILL BRING TO BEAR THE VERY BEST OF HUMAN KNOWLEDGE IN DECISION MAKING AND PROBLEM SOLVING.

"WE ACKNOWLEDGE AND CELEBRATE YOUR WILLINGNESS TO HEAR AND YOUR PROMISE TO HELP, MADE POSSIBLE IN JESUS CHRIST. AMEN."

### MOTION

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

## REPORTS OF STANDING COMMITTEES

March 2, 1977.

SENATE BILL NO. 2479, allowing a monthly earned income exemption for unemployable persons under the public assistance laws (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1977.

SENATE BILL NO. 2490, Yakima river conservancy area (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

March 1, 1977.

SENATE BILL NO. 2770, establishing a pilot project for multipurpose service centers for displaced homemakers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1977.

SENATE JOINT RESOLUTION NO. 104, amending the Constitution to adopt a new Judicial Article (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE BILL NO. 12, removing a limitation on use of school bus warning lights (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 1, 1977.

ENGROSSED HOUSE BILL NO. 57, modifying the environmental coordination procedures act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

March 3, 1977.

ENGROSSED HOUSE BILL NO. 108, revising the special fuel tax laws (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

ENGROSSED HOUSE BILL NO. 110, correcting the distribution provision for driver's license fees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE BILL NO. 111, eliminating automatic expiration of motor vehicle excise tax refund permits and necessity for keeping permanent records and permitting departmental discretion in collection of minor interest charges (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

ENGROSSED HOUSE BILL NO. 146, authorizing bus transit service by agreement with a public transportation agency of a contiguous state (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 167, changing the time for filing and penalty of bank and trust company reports (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 230, revising the penalty for a winter recreational parking violation (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Odegaard, Scott.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 262, allowing a game commission determination of the quantity of wild animals that may be taken (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Pullen, Rasmussen, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 2, 1977.

ENGROSSED HOUSE BILL NO. 274, requiring knowledge of trapping techniques for a trapping license in certain cases (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Rasmussen, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 2, 1977.

ENGROSSED HOUSE BILL NO. 280, prohibiting an owner or harbinger of dogs to permit such dogs to pursue or injure deer or elk (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Pullen, Rasmussen, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

SUBSTITUTE HOUSE BILL NO. 291, implementing laws relating to student transfers within the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 3, 1977.

ENGROSSED HOUSE BILL NO. 358, authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 2, 1977.

SUBSTITUTE HOUSE BILL NO. 385, permitting life insurance purchaser to cancel without charge within ten days (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE CONCURRENT RESOLUTION NO. 4, directing that the next state ferry be named the "Issaquah" (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

March 2, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 172,

HOUSE BILL NO. 173,

HOUSE BILL NO. 174,

HOUSE BILL NO. 175,

HOUSE BILL NO. 176,

HOUSE BILL NO. 177, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 2, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 2, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2060,

ENGROSSED SENATE BILL NO. 2095,

SENATE BILL NO. 2096,

SUBSTITUTE SENATE BILL NO. 2130,

ENGROSSED SENATE BILL NO. 2164,

SENATE BILL NO. 2225, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2060,

SENATE BILL NO. 2095,

SENATE BILL NO. 2096,

SUBSTITUTE SENATE BILL NO. 2130,

SENATE BILL NO. 2164,

SENATE BILL NO. 2225,

SENATE CONCURRENT RESOLUTION NO. 101.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 172,

HOUSE BILL NO. 173,

HOUSE BILL NO. 174,

HOUSE BILL NO. 175,

HOUSE BILL NO. 176,

HOUSE BILL NO. 177.

## MOTION

At 10:16 a.m., on motion of Senator Bailey, the Senate recessed until 11:30 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

## MOTION

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 98, by Representatives Bauer, Charnley, Douthwaite, Kilbury, Lee, Lysen, Smith and Nelson (Gary):  
Establishing thermal performance standards for new dwellings.

## MOTION

On motion of Senator Bottiger, Engrossed House Bill No. 98 was referred to the Committee on Energy and Utilities.

## SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 1, by Representatives Warnke, Paris, Greengo and Gaines:

Requesting the federal government to give the state more administrative freedom under the federal insecticide, fungicide, and rodenticide act.

The memorial was read the second time in full.

On motion of Senator Pullen, the following amendments by Senators Pullen, Benitz, Hayner, Mardesich, Talley and Rasmussen were adopted:

On page 1, after line 17, insert:

"WHEREAS, The tenth amendment to the United States Constitution indicates that powers not specifically delegated to the federal government by the Constitution are reserved to the states or the people; and"

On page 1, line 27, after "Congress" insert "and the United States Constitution"

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

On page 1, line 26, after "Agency" and before "not" strike "does"

On page 1, line 27, after "states" and before "be" strike "may"

On motion of Senator Gaspard, Engrossed House Joint Memorial No. 1, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 1, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard,

Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

ENGROSSED HOUSE JOINT MEMORIAL NO. 1, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Marsh, Engrossed House Bill No. 1 will be considered following House Bill No. 136.

#### SECOND READING

HOUSE BILL NO. 18, by Representatives Sherman, Knedlik and North (Frances):

Adding municipal gasworks to utilities that can get lien for unpaid bill.

#### MOTION

On motion of Senator Marsh, House Bill No. 18 was ordered to hold its place on the second reading calendar for March 4, 1977.

#### SECOND READING

HOUSE BILL NO. 45, by Representatives Flanagan, Hansen, Amen, Oliver and Patterson:

Extending the filing date of liens on crops.

The bill was read the second time by sections.

On motion of Senator Gaspard, House Bill No. 45 was advanced to third reading, the second 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. 45, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

HOUSE BILL NO. 45, having received the constitutional majority, 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. 136, by Representatives Amen, Flanagan, Shinpoch, Polk, Knedlik, Clayton, Fuller and Oliver (by Legislative Budget Committee request):

Repealing certain obsolete laws relating to agricultural conservation.

The bill was read the second time by sections.



On motion of Senator Gaspard, House Bill No. 136 was advanced to third reading, the second 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. 136, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

HOUSE BILL NO. 136, having received the constitutional majority, 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. 148, by Representatives Enbody, Thompson and Conner: Providing for the operation and maintenance of the Puget Island ferry.

The bill was read the second time by sections.

On motion of Senator Beck, House Bill No. 148 was advanced to third reading, the second 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. 148, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

HOUSE BILL NO. 148, having received the constitutional majority, 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. 180, by Representatives Hanna, Shipoch, Enbody, Smith, Leckenby and Winsley:

Extending long-arm statute for parties in marriage dissolution cases.

The bill was read the second time by sections.

On motion of Senator Woody, House Bill No. 180 was advanced to third reading, the second 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. 180, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

HOUSE BILL NO. 180, having received the constitutional majority, 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. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

## MOTION

On motion of Senator Mardesich, House Bill No. 186 was ordered to hold its place on the second reading calendar for March 4, 1977.

## SECOND READING

HOUSE BILL NO. 216, by Representatives Bauer, Berentson, Barnes, Heck, Fuller, Hanna, Dunlap, Hawkins, Greengo and Knedlik:

Allowing expenses for school district superintendent candidates who travel for employment interview.

## MOTION

On motion of Senator Herr, House Bill No. 216 was ordered to hold its place on the second reading calendar for March 4, 1977.

## SECOND READING

ENGROSSED HOUSE BILL NO. 245, by Representative Hanna:

Allowing counties to establish biweekly pay periods.

The bill was read the second time by sections.

On motion of Senator Marsh, Engrossed House Bill No. 245 was advanced to third reading, the second 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. 245, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard,

Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

ENGROSSED HOUSE BILL NO. 245, having received the constitutional majority, 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. 585, by Representatives Erickson, Burns and Chandler:

Providing that each state college board of trustees have a treasurer who shall be bonded.

The bill was read the second time by sections.

On motion of Senator Sandison, House Bill No. 585 was advanced to third reading, the second 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. 585, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

HOUSE BILL NO. 585, having received the constitutional majority, 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. 1, by Representatives Conner, Pruitt and Vrooman:

Authorizing port districts to waive or reduce rent security deposit for nonprofit corporations.

The bill was read the second time by sections.

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

On page 1, line 30, after "amended" and before the period insert "and which organization has received a declaration of tax-exempt status from the department of internal revenue of the United States government pursuant to section 501 of the internal revenue code of 1954, as amended"

On motion of Senator Talley, 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.

### 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, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—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.

#### MOTION

On motion of Senator Marsh, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 2, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2021, with the following amendment:

On page 2, line 23, after "provide" strike the remaining language and insert "temporary rest room facilities at the Washington ferry landing terminal.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2021.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2021, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator Jones—1.

Excused: Senator Francis—1.

ENGROSSED SENATE BILL NO. 2021, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate advanced to the sixth order of business to consider Gubernatorial Appointment No. 47.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT  
MOTION

On motion of Senator Bottiger, the appointment of Betty McClelland as Director of the Department of Emergency Services was confirmed.

APPOINTMENT OF BETTY McCLELLAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Francis—1.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Gubernatorial Appointment No. 46.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT  
MOTION

On motion of Senator Henry, the appointment of Ms. R. Y. Woodhouse as Director of the Department of Motor Vehicles was confirmed.

APPOINTMENT OF MS. R. Y. WOODHOUSE

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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Guess—1.

Excused: Senator Francis—1.

MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, March 4, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 4, 1977.

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 Cunningham, Fleming and Scott. On motion of Senator Odegaard, Senator Fleming was excused. On motion of Senator Jones, Senators Cunningham and Scott were excused.

The Color Guard, consisting of Pages John Mardesich and Tammy Berentsen, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"STRONG AND FAITHFUL GOD'. WE LOOK TO YOU FOR PURPOSE — MOTIVATION AND DIRECTION IN OUR DAY TO DAY LIVING AND IN OUR SPECIAL CALLING AS THOSE WHO SPEAK FOR AND ACT FOR THE COMMON GOOD OF THE PEOPLE OF THIS GREAT STATE OF WASHINGTON.

"WE ARE COGNIZANT OF OUR HUMANNESSE, OUR FALLIBILITY, AND THE EASE WITH WHICH WE FALL PREY TO THE TEMPTATION TO ACT OUT OF VESTED INTERESTS. FORGIVE US FOR THESE FAILURES AND HELP US LOOK ABOVE THE BANAL, THE COMMON AND THE ORDINARY TO THE DIVINE AND THE IDEAL.

"WE THANK YOU, O GOD, FOR CREATING THESE MEN AND WOMEN WITH MINDS TO THINK CLEARLY; WITH HEARTS TO FEEL NEED AND THE ABILITY TO ACT WITH A FUNCTIONAL COMBINATION OF FEELING AND THINKING. HELP THEM TO USE THESE GIFTS IN A WAY THAT WILL BE A CREDIT TO YOU AND A REAL HELP TO THOSE WHOM THEY SERVE. TEMPER THEIR REALISM WITH IDEALISM AND THEIR IDEALISM WITH REALISM THAT GOOD MAY ACCRUE AND YOUR WILL MAY BE DONE.

"WE OFFER OUR PRAISE AND THANKS AND SPEAK OUR SUPPLICATIONS IN THE STRONG NAME OF JESUS. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 24, 1977.

SENATE BILL NO. 2360, authorizing the traffic safety commission to engage in programs relating to bicycle use and safety (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1977.

SENATE BILL NO. 2363, requiring registration of bicycles and development of bicycle facilities (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2363 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Talley.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE BILL NO. 2771, permitting certain changes in contracts for nuclear projects (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE BILL NO. 2868, providing for new boards of commissioners for merged fire districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE BILL NO. 2932, modifying provisions as to when a liquor licensee must request proof of age (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE BILL NO. 2993, removing county auditor filing requirements for business corporations (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE JOINT MEMORIAL NO. 102, memorializing Congress on fusion energy development (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 102 be substituted therefor and the substitute memorial do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

March 2, 1977.

SENATE JOINT MEMORIAL NO. 106, memorializing the President and Congress to make low interest loans available for energy saving building materials (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman, Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

March 3, 1977.

**SUBSTITUTE HOUSE BILL NO. 30**, requiring the recording of notices of water and sewer hook-up charges and requiring contracts for the sale of undeveloped lands to include any restrictions on water or sewer facilities (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 3, 1977.

**ENGROSSED HOUSE BILL NO. 35**, making the election of PUD commissioners conform more closely to regular nonpartisan election laws (reported by Committee on Constitution and Elections):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Grant, Chairman; Beck, Gaspard, Lewis, von Reichbauer, Wojahn, Hayner.

Passed to Committee on Rules for second reading.

March 3, 1977.

**ENGROSSED HOUSE BILL NO. 47**, allowing persons to register and vote by absentee ballot during the thirty days immediately preceding an election (reported by Committee on Constitution and Elections):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Grant, Chairman; Beck, Gaspard, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

**MINORITY recommendation:** Do not pass.

Signed by: Senators Lewis, Pullen, Hayner.

Passed to Committee on Rules for second reading.

March 4, 1977.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 181**, providing for physician's trained intravenous therapy technicians and airway management technicians (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 3, 1977.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 209**, giving information on delegate selection in the voter's pamphlet (reported by Committee on Constitution and Elections):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Grant, Chairman; Gaspard, Lewis, von Reichbauer, Hayner.

Passed to Committee on Rules for second reading.

March 3, 1977.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 227**, establishing postcard voter registration (reported by Committee on Constitution and Elections):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Grant, Chairman; Beck, Gaspard, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.



MINORITY recommendation: Do not pass.  
Signed by: Senators Lewis, Pullen, Hayner.  
Passed to Committee on Rules for second reading.

March 4, 1977.

HOUSE BILL NO. 237, requiring the establishment of continuing education requirements for psychologists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman. Buffington, Gould, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE BILL NO. 240, regulating motor vehicles used by railroad companies to transport employees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 4, 1977.

HOUSE BILL NO. 321, authorizing venereal disease investigators to perform venipuncture under certain conditions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 2, 1977.

ENGROSSED HOUSE BILL NO. 386, revising law relating to property insurance in connection with credit or a debt (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE JOINT RESOLUTION NO. 7, permitting Constitutional amendments to contain several sections on one subject (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Gaspard, Hayner, Lewis, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

March 3, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2065,

SENATE BILL NO. 2066,

SENATE BILL NO. 2068,

SNEATE BILL NO. 2098, and  
 ENGROSSED SENATE BILL NO. 2190, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 2021,  
 SENATE BILL NO. 2065,  
 SENATE BILL NO. 2066,  
 SENATE BILL NO. 2068,  
 SENATE BILL NO. 2098,  
 SENATE BILL NO. 2190.

#### MOTION

At 10:10 a.m., on motion of Senator Marsh, the Senate recessed until 11:25 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:25 a.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 53.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator von Reichbauer, the appointment of Robert Downing as a member of the Parks and Recreation Commission was confirmed.

#### APPOINTMENT OF ROBERT DOWNING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Cunningham, Fleming, Scott—3.

#### MOTION

On motion of Senator Sandison, the appointment of Taul Watanabe as a member of the Board of Regents of the University of Washington was confirmed.

#### APPOINTMENT OF TAUL WATANABE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Cunningham, Fleming, Scott—3.

#### MOTION

On motion of Senator Sandison, the appointment of Dr. J. H. Lehmann as a member of the Board of Regents of the University of Washington was confirmed.

#### APPOINTMENT OF DR. J. H. LEHMANN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Fleming—1.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 17.

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "I just want to remind the body that this particular appointment falls within that group where there was a purported mass removal by the Governor and a mass approval by the Senate. A point of order has already been made and entered into the record, and those of us who will vote 'no' are doing so entirely because of the point of order. I just want to assure the members of the body and Grahame Bell, whom we all know, that the vote is in no way a reflection against his capability to hold the office."

#### MOTION

On motion of Senator Sandison, the appointment of J. Grahame Bell as a member of the Board of Trustees, Everett Community College, District No. 5, was confirmed.

#### APPOINTMENT OF J. GRAHAME BELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Excused: Senator Fleming—1.

#### MOTION

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

#### SECOND READING

HOUSE BILL NO. 18, by Representatives Sherman, Knedlik and North:  
Adding municipal gasworks to utilities that can get lien for unpaid bill.

#### MOTION

On motion of Senator Walgren, House Bill No. 18 was referred to the Committee on Local Government.

#### SECOND READING

HOUSE BILL NO. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

#### REPORT OF STANDING COMMITTEE

March 1, 1977.

HOUSE BILL NO. 186, permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

On page 1, line 8, after "any" strike "partisan," and insert "~~((partisan;))~~"

On page 1, line 9, after "for any" strike "partisan," and insert "~~((partisan;))~~"

On page 1, line 15, after "for" strike "partisan," and insert "~~((partisan;))~~".

Signed by: Senators Grant, Chairman; Beck, Gaspard, Hayner, Lewis, Pullen, von Reichbauer, Wojahn.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

Senator Mardesich moved adoption of the following amendments:

On page 1, line 12, after "soliciting" insert "voluntary"

On page 1, line 13 after "associations" insert "for political purposes".

Debate ensued.

#### MOTION

On motion of Senator Mardesich, House Bill No. 186, as amended by the Senate, together with the pending amendments by Senator Mardesich, was made a special order of business for 2:00 p.m. today.

There being no objection, Senator Grant was excused.

#### SECOND READING

HOUSE BILL NO. 216, by Representatives Bauer, Berentson, Barnes, Heck, Fuller, Hanna, Dunlap, Hawkins, Greengo and Knedlik:

Allowing expenses for school district superintendent candidates who travel for employment interview.

The bill was read the second time by sections.

On motion of Senator Gaspard, the following amendment by Senators Gaspard, McDermott and Gould was adopted:

On page 1, line 15 after "expenses" insert "for travel, lodging and meals".

On motion of Senator McDermott, House Bill No. 216, 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. 216, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Francis, Gaspard, Goltz, Gould, Henry, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Rasmussen, Ridder, Sandison, Sellar, Talley, Walgren, Washington, Wilson, Wojahn—26.

Voting nay: Senators Bausch, Beck, Buffington, Day, Donohue, Guess, Hayner, Herr, Jones, Keefe, Mardesich, Newschwander, North, Odegaard, Peterson, Pullen, Scott, Van Hollebeke, von Reichbauer, Wanamaker, Woody—21.

Excused: Senators Fleming, Grant—2.

HOUSE BILL NO. 216, as amended by the Senate, having received the constitutional majority, 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. 12, by Representative Fischer:

Removing a limitation on use of school bus warning lights.

The bill was read the second time by sections.

On motion of Senator Henry, House Bill No. 12, was advanced to third reading, the second 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. 12 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Gaspard, Mardesich, Matson—3.

Excused: Senator Fleming—1.

HOUSE BILL NO. 12, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, Engrossed House Bill No. 57 will be considered following Engrossed House Bill No. 146.

## SECOND READING

ENGROSSED HOUSE BILL NO. 108, by Representatives Conner and McCormick (by Department of Motor Vehicles request):

Revising the special fuel tax laws.

The bill was read the second time by sections.

On motion of Senator Henry, Engrossed House Bill No. 108 was advanced to third reading, the second 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. 108 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 108, having received the constitutional majority, 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. 110, by Representatives McCormick and Patterson (by Department of Motor Vehicles request):

Correcting the distribution provision for driver's license fees.

## REPORT OF STANDING COMMITTEE

March 3, 1977.

ENGROSSED HOUSE BILL NO. 110, correcting the distribution provision for driver's license fees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On line 19, after "the" and before "fund" strike "general" and insert "(general) motor vehicle".

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendment was not adopted.

On motion of Senator Henry, Engrossed House Bill No. 110 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 Henry yield to a question? Senator Henry, this is no increase in the driver's license cost?"

Senator Henry: "No. It is clean up language to take care of the funds. When they did raise them in '75 they raised the amount from five to six dollars or whatever it was, but they didn't make arrangements for that additional money to go into the driver education fund, the highway safety fund which also handles driver ed."

Senator Rasmussen: "Why are they striking five then? Have they been collecting the extra dollar illegally? On the bill it strikes five and inserts six. Would they have to make a refund then?"

Senator Henry: "No, in 1975, the fee for the driver's license was raised from five to six dollars. The law at that time said the five dollars would go into the safety fund, and so you have got to strike five and put in the six so that all six dollars go into the safety fund."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 110 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 110, having received the constitutional majority, 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. 111, by Representatives Conner, McCormick, Patterson and Fancher (by Department of Motor Vehicles request):

Eliminating automatic expiration of motor vehicle excise tax refund permits and necessity for keeping permanent records and permitting departmental discretion in collection of minor interest charges.

The bill was read the second time by sections.

On motion of Senator Henry, House Bill No. 111 was advanced to third reading, the second 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. 111 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Fleming—1.

HOUSE BILL NO. 111, having received the constitutional majority, 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. 146, by Representatives McKibbin, Zimmerman, Heck, Bauer, Boldt and Charnley:

Authorizing bus transit service by agreement with a public transportation agency of a contiguous state.

The bill was read the second time by sections.

On motion of Senator Henry, Engrossed House Bill No. 146 was advanced to third reading, the second 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. 146 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 146, having received the constitutional majority, was declared passed. 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 HOuse Bill No. 57 will be considered following Engrossed House Bill No. 274.

There being no objection, Senator Keefe was excused.

## SECOND READING

HOUSE BILL NO. 167, by Representative Eng:

Changing the time for filing and penalty of bank and trust company reports.

The bill was read the second time by sections.

On motion of Senator Woody, House Bill No. 167 was advanced to third reading, the second 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. 167 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Lewis, Scott—2.

Excused: Senators Fleming, Keefe—2.



HOUSE BILL NO. 167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### EXPLANATION OF FAILURE TO VOTE

Re: Senator Scott's failure to vote on HB 167.

To avoid any potential conflict of interest relative to my professional position as an officer of Rainier National Bank, I will leave the floor and will not vote on any legislation affecting a financial institution.

Signed: George W. Scott.

#### MOTION

At 12:26 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

#### MOTIONS

On motion of Senator Odegaard, Senator McDermott was excused.

On motion of Senator Lewis, Senators Bluechel, Hayner and Jones were excused.

On motion of Senator Marsh, the special order of business for 2:00 p.m. House Bill No. 186 was ordered made a special order of business for 2:30 p.m.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 230.

#### SECOND READING

HOUSE BILL NO. 230, by Representatives North and Lee (by Parks and Recreation Commission request):

Revising the penalty for a winter recreational parking violation.

The bill was read the second time by sections.

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

On page 1, line 7, after "violation of" strike "RCW 43.51.320 or" and insert "~~((RCW 43.51.320 or))~~".

Senator Goltz moved adoption of the following amendment:

On page 1, line 11, after "account." strike the remainder of the bill.

Debate ensued.

#### POINT OF INQUIRY

Senator Benitz: "Would Senator Washington yield to a question? Senator Washington, you said something about having a problem in your district, and to have a problem you have to have snow. Are you holding some information back on us that we don't know about?"

Senator Washington: "I have a secret little snow spot there, but there is not much snow on it."

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

## MOTIONS

On motion of Senator Odegaard, Senator Donohue was excused.

On motion of Senator von Reichbauer, House Bill No. 230, 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. 230, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 5; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Gaspard, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senators Francis, Goltz, Matson, Talley, Woody—5.

Absent or not voting: Senators Mardesich, Walgren—2.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, McDermott—7.

HOUSE BILL NO. 230, as amended by the Senate, having received the constitutional majority, 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. 262, by Representatives Martinis, Wilson, Moreau and Vrooman:

Allowing a game commission determination of the quantity of wild animals that may be taken.

The bill was read the second time by sections.

Senator Peterson moved adoption of the following amendment:

On page 1, line 16, after "thereof" insert "PROVIDED, HOWEVER, That nothing contained herein shall be construed to infringe on the right of a private property owner to control access to his private property".

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Peterson:

On the last line of the amendment to page 1, line 16, strike "access to".

## POINT OF INQUIRY

Senator Peterson: "Would you yield to a question, Senator Rasmussen? Tell me the purpose of your amendment. I thought that I had covered this in putting 'access to' which would in effect, I think, cover the intent. We are not trying to give the game commission the powers to go into private property, yours or mine or anybody else's. If we have this latitude here, I think it covers it, doesn't it?"

Senator Rasmussen: "Senator Peterson, the way your amendment reads, this would only extend to the private property owner the right to control the access to, not to control his private property. I think this is far more important. This is all-inclusive."

## POINT OF INQUIRY

Senator Francis: "Would Senator Rasmussen yield? Senator Rasmussen, under your amendment would private property owned by Simpson Timber be able to be used for hunting by employees of Simpson Timber regardless of what the state game department said? Isn't that what your amendment would do?"

Senator Rasmussen: "No. No, there is another section of law that provides that you may not have any hunting on a property if you restrict it to just even the land owner cannot hunt on his property. That is in another section of law."

Senator Francis: "Doesn't your amendment change that?"

Senator Rasmussen: "No."

Senator Francis: "Why not?"

Senator Rasmussen: "No, because we are not amending that section of the law."

Senator Francis: "I think your amendment by implication may affect that section of the law."

Senator Rasmussen: "In no way, Senator Francis."

## MOTIONS

On motion of Senator Odegaard, Senators Walgren and Mardesich were excused.

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

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

On motion of Senator Peterson, House Bill No. 262, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 6; excused, 9.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Wanamaker, Washington, Wojahn—35.

Voting nay: Senators Francis, Sellar, Van Hollebeke, von Reichbauer, Wilson, Woody—6.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, Mardesich, McDermott, Walgren—9.

HOUSE BILL NO. 262, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 274, by Representatives Martinis, Wilson, Moreau and Schmitt:

Requiring knowledge of trapping techniques for a trapping license in certain cases.

The bill was read the second time by sections.

On motion of Senator Peterson, Engrossed House Bill No. 274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Benitz: "Would Senator Peterson yield to a question? As I read this bill, it would be to really two groups, those under eighteen and those that have not purchased a license before. Wouldn't it outlaw the use of the steel trap when you say for the two pieces of criteria, 'painlessly capture or instantly kill', wouldn't that outlaw the steel trap?"

Senator Peterson: "Where do you read that? What line are you looking at?"

Senator Benitz: "Lines sixteen and seventeen."

Senator Peterson: "No, it says, 'including the use.' It does not limit that, and that is not the intent of this bill. We did not mean to—that is not the intent of the legislation. I do not believe it reads that. It says, 'The commission shall establish a program to properly train persons in safe, humane and proper trapping techniques.' including the use, but not excluding or—it is to train them, actually. The purpose of this, and I think the original intent, was that those that do trap with steel traps should know how to set those traps and how to properly set them in a manner that would be in a humane manner to the animal that they are capturing, by the statutes that we now have. This bill is supported by the Washington State Trappers Association and it is something that the game department has had a significant amount of pressure on in order to make the trapping industry as humane as possible."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 274, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; excused, 9.

Voting yea: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—37.

Voting nay: Senators Benitz, Van Hollebeke, Woody—3.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, Mardesich, McDermott, Walgren—9.

ENGROSSED HOUSE BILL NO. 274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the special order of business for 2:30 p.m., House Bill No. 186, was made a special order of business for 2:50 p.m.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 57, by Representatives Valle, Hughes, Charnley, Hawkins, Douthwaite, Flanagan, Chandler, Zimmerman, Lux and Becker (by House Committee on Ecology of the 44th Legislature request):

Modifying the environmental coordination procedures act.

## REPORT OF STANDING COMMITTEE

March 1, 1977.

ENGROSSED HOUSE BILL NO. 57, modifying the environmental coordination procedures act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, beginning on line 13, strike all of last paragraph in subsection (3).

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

The bill was read the second time by sections.

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

On motion of Senator Washington, Engrossed House Bill No. 57, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Will Senator Washington yield? Senator, are all of the provisions of this act entirely optional as far as local government is concerned?"

Senator Washington: "Yes, local government does not have to take part in the one stop procedure. They don't have to put their permits, for instance, as far as the county is concerned you would have possible permits like building permits, zoning, platting, rezoning or conditional use permits. Now if they wanted to have those put in a single hearing along with the state they could. If they don't wish to do that, they don't have to."

Senator Wilson: "Nothing is being mandated to local government?"

Senator Washington: "No."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 57, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, Mardesich, McDermott—8.

ENGROSSED HOUSE BILL NO. 57, as amended by the Senate, having received the constitutional majority, 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. 280, by Representatives Martinis, Wilson, Moreau, Hughes, North and Schmitt:en:

Prohibiting an owner or harbinger of dogs to permit such dogs to pursue or injure deer or elk.

The bill was read the second time by sections.

On motion of Senator Sandison, the following amendments were adopted:

On page 1, at the beginning of line 7 after "dog" and before "to" insert "knowingly"

On line 7 after "to" strike "directly or negligently"

On motion of Senator Peterson, Engrossed House Bill No. 280, 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. 280, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senators Francis, von Reichbauer—2.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, Mardesich, McDermott—8.

ENGROSSED HOUSE BILL NO. 280, as amended by the Senate, having received the constitutional majority, 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. 291, by Committee on Education (originally sponsored by Representatives Clemente, Whiteside and Bauer) (by State Board of Education request):

Implementing laws relating to student transfers within the common schools.

The bill was read the second time by sections.

On motion of Senator Gaspard, Substitute House Bill No. 291, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Bottiger: "Will Senator Gould yield to a question? Senator Gould, a local district, two districts, are still able to agree between themselves to the transfer and there isn't any automatic requirement for appeal, is there?"

Senator Gould: "No, the appeal is only if one district, if the district refuses to accept them."

Senator Bottiger: "Isn't it the appeal if the district refuses to release them?"

Senator Gould: "Oh, all right. I will have to back up. I have not read it recently. It may—"

Senator Bottiger: "The situation comes up if one district won't release, then therefore the credit for the attendance goes to—"

Senator Gould: "Yes. Yes, you are right."

Senator Bottiger: "In this case then, we would appeal to the superintendent."

Senator Gould: "If the district released them, why then they would lose their money from the state and send it to the receiving district and I guess districts—"

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 291, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Voting nay: Senators Bottiger, Guess—2.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, McDermott—7.

SUBSTITUTE HOUSE BILL NO. 291, having received the constitutional majority, 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. 358, by Representatives Clemente, Barnes, Heck and Kreidler:

Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.

## MOTION

On motion of Senator Marsh, Engrossed House Bill No. 358 was ordered to hold its place on the second reading calendar for March 7, 1977.

## SPECIAL ORDER OF BUSINESS

### SECOND READING

HOUSE BILL NO. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

The time having arrived, the Senate resumed consideration of House Bill No. 186. Earlier today, the committee amendments were adopted and two amendments were moved for adoption by Senator Mardesich.

There being no objection, on motion of Senator Mardesich, the amendments were withdrawn.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 13, after "associations" insert "for nonpolitical purposes".

## POINT OF INQUIRY

Senator Grant: "Mr. President, I will have to clarify this. I should like to direct a question to Senator Mardesich. Senator Mardesich, would it be your intent that with the addition of that language that voluntary contribution of any kind from an association, from a union or from any group or individual would not be legal if it were a public group? Or is it your intent that the solicitation not be on public premises of political funds?"

Senator Mardesich: "The intent is that contributions and dues not be for political purpose unless they be voluntary, and not by any other manner."

Senator Grant: "Well, I thank you, Senator Mardesich and members of the Senate."

## POINT OF INQUIRY

Senator Odegaard: "Will Senator Mardesich yield? Senator Mardesich, what would that do to where there is an automatic deduction made for political purposes?"

Senator Mardesich: "I would suspect that that would be an illegal procedure under the act, an automatic deduction."

Senator Odegaard: "You mean under your amendment it would be illegal?"

Senator Mardesich: "Under the amendment."

## POINT OF INQUIRY

Senator Grant: "Senator Mardesich, do you yield to an additional question, then? I think Senator Odegaard touched on this with regard to WEA and their political contributions. Those are what is referred to commonly as a negative check off. That is, members of the association are solicited by the association as to whether or not they wish to contribute to a political fund. If they do not indicate that they— if they fail to take any action, if they fail to notify the association that they do not wish to participate in a political, in the political fund, then it is an automatic donation or deduction of their dues. That is referred to as a negative check off, and I wonder whether or not under your interpretation that would be legal."

Senator Mardesich: "I had not intended that to be covered. It seems to me that we should have something the same as we have in our federal income tax, and that requires an indication that you want the deduction, and that would indicate a voluntary contribution rather than anything that is negative in nature and simply by failure to act. I assume they would do that by some sort of a form that they have when they send out with their dues check off form, that they would require a positive indication which would truly be voluntary then."

Senator Grant: "That is not the way it is done, Senator Mardesich. If that is what your intent is, then I would like to speak against the amendment. I think that a person should have to take—"

Senator Mardesich: "That is the language, the intent I had, and I hope the understanding of the floor."

Further debate ensued.

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

On motion of Senator Rasmussen, House Bill No. 186, 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. 186, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senator Walgren—1.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, McDermott—7.

HOUSE BILL NO. 186, as amended by the Senate, having received the constitutional majority, 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. 385, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Burns and Grier):

Permitting life insurance purchaser to cancel without charge within ten days.

The bill was read the second time by sections.

On motion of Senator Woody, Substitute House Bill No. 385 was advanced to third reading, the second reading considered the third, and the bill as placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 385 and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senator Walgren—1.

Excused: Senators Bluechel, Donohue, Fleming, Hayner, Jones, Keefe, McDermott—7.

SUBSTITUTE 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.

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

## MOTION

On motion of Senator Lewis, Senator Cunningham was excused.

## MESSAGE FROM THE HOUSE

March 3, 1977.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 69, and asks the Senate to recede therefrom, and said bill, together with the Senate amendment thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Rasmussen, the Senate receded from its amendment to Engrossed House Bill No. 69.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 69, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 8.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Matson, Walgren—2.

Excused: Senators Bluechel, Cunningham, Donohue, Fleming, Hayner, Jones, Keefe, McDermott—8.

ENGROSSED HOUSE BILL NO. 69, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:15 p.m., on motion of Senator Marsh, the Senate adjourned until 10:30 a.m., Monday, March 7, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 7, 1977.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Bluechel, Fleming, Grant, Jones, Matson, Pullen and Scott. On motion of Senator Odegaard, Senators Bausch, Fleming and Grant were excused. On motion of Senator Newschwander, Senators Bluechel, Jones, Matson and Scott were excused.

The Color Guard, consisting of Pages Teresa Smith and Kevin Boreen, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, AS THE PRESS CONTINUES TO REMIND US OF THE DISENFRANCHISED STATUS OF SO MANY CITIZENS OF THE WORLD, WE ARE GRATEFUL FOR THE DEMOCRATIC GOVERNMENT OF OUR COUNTRY AND THE PRIVILEGE OF CHOICE ENJOYED BY OUR PEOPLE. HELP US TO USE THIS GIFT WISELY. GRANT TO OUR SENATORS THIS DAY THE WISDOM AND THE BOLDNESS AND THE SINGLENES OF MIND TO MAKE COLLECTIVE DECISIONS WHICH SHALL PRESERVE AND STRENGTHEN THE SOCIAL FABRIC OF OUR STATE. MAY THIS DAY'S END FIND THEM AT MILESTONES OF POLITICAL ACTION WHICH THEY WILL NOT HAVE TO PASS AGAIN. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 3, 1977.

SUBSTITUTE HOUSE BILL NO. 294, authorizing historical buildings to be an exception to antipollution laws (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, Ridder.

Passed to Committee on Rules for second reading.

March 2, 1977.

HOUSE BILL NO. 484, regulating the retail sale of frozen fish and shellfish (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senator Peterson, Chairman; Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

HOUSE BILL NO. 503, providing for the collection of use taxes on aircraft by the Department of Motor Vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

March 4, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE JOINT MEMORIAL NO. 1, and has adopted the memorial as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 4, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 4, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2074,

SENATE BILL NO. 2091,

ENGROSSED SENATE BILL NO. 2106,

SENATE BILL NO. 2123, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

At 10:40 a.m., on motion of Senator Marsh, the Senate recessed until 11:15 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:15 a.m.

### MOTION

At 11:15 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

### NOON SESSION

The President called the Senate to order at 12:00 noon.

The President declared the Senate to be at ease.

The President called the Senate to order at 12:15 p.m.

## MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2074,  
SENATE BILL NO. 2091,  
SENATE BILL NO. 2106,  
SENATE BILL NO. 2123.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Senate Bill No. 2005.

## MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed SENATE BILL NO. 2005 with the following amendments:

On page 1, line 8, strike "commissioners" and insert "((commissioners)) legislative authority"

On page 1, line 13, strike "commissioners" and insert "((commissioners)) legislative authority"

On page 2, line 31, strike "commissioners" and insert "((commissioners)) legislative authority"

On page 3, line 15, strike "Boards of county commissioners" and insert "((Boards of county commissioners)) County legislative authorities", 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 Senate Bill No. 2005.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2005, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Pullen, Wojahn—2.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

SENATE BILL NO. 2005, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2019, with the following amendment:

On page 2, line 30, after "which" insert "summary shall be approved by the governing body and which", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Jones, Senator Sellar was excused.

### MOTION

Senator Wilson moved the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 2019.

### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Wilson yield to a question? Is it your understanding that governing body is the elected officials for that body?"

Senator Wilson: "Yes, it is."

The motion by Senator Wilson carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2019.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2019, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 4; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—37.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Morrison, Murray, Wilson, Wojahn—4.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott, Sellar—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2019, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 358, by Representatives Clemente, Barnes, Heck and Kreidler:

Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 1, line 12, after "schools." insert "It is the general policy of the state that the entrance age for kindergarten shall be five years of age."

## POINT OF INQUIRY

Senator Francis: "Mr. President, will Senator McDermott yield? Senator McDermott, under your amendment, if a child were born, say, the first of November and was four on the date that school started, but was going to be five on the first of November, would this mean that even if they had passed all of the other criteria that they would not be eligible to start kindergarten?"

Senator McDermott: "On line seventeen, Senator Francis, after the amendment which we are adding it says, 'Such rules may provide for exceptions based upon the ability or the need or both of an individual student', so it will still be flexibility in the rules and regulations which the state board of education provides."

Senator Francis: "Well, Senator McDermott, if we are willing to accept some flexibility why not leave it the way it was and reject this amendment?"

Senator McDermott: "Is that your question?"

Senator Francis: "Yes, I am asking you what purpose does this amendment have? If we are not going to be holding to it, why not just leave it the way the bill was drafted before?"

Senator McDermott: "The basic point of this whole bill—I guess we have to discuss the bill, is that each district has various ages for entrance into kindergarten and first grade, and this bill is an attempt to standardize that. We want them to make a uniform rule across the state. We want to have the school districts make their decisions in light of the state board rule."

"We are saying here that we think that all children ought to start by five years of age in kindergarten and that is part of the basic education definition. The previous law was very vague. It said they could start between four and six, and consequently some people did start. Some didn't. There has been all kinds of variation all over the state, and it just has been unworkable. This is the request of the superintendent."

Senator Francis: "Well, Senator McDermott, that is not what I am asking. I am asking about this amendment and maybe you have answered as well as you can."

Debate ensued.

Senator Francis moved adoption of the following amendment to the amendment by Senator McDermott:

Amend the McDermott amendment to page 1, line 12 as follows: Strike "five" and insert "earlier than four and one-half"

Further debate ensued.

## MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 358 was rereferred to the Committee on Education.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 30**, by Committee on Local Government (originally sponsored by Representative Erickson):

Requiring the recording of notices of water and sewer hook-up charges and requiring contracts for the sale of undeveloped lands to include any restrictions on water or sewer facilities.

## REPORT OF STANDING COMMITTEE

March 3, 1977.

**SUBSTITUTE HOUSE BILL NO. 30**, requiring the recording of notices of water and sewer hook-up charges and requiring contracts for the sale of undeveloped lands to include any restrictions on water or sewer facilities (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 2, on line 4, insert:

**"NEW SECTION.** Sec. 3. Any municipal corporation, quasi municipal corporation, or political subdivision which has the authority to install sewers by establishing local improvement districts, which has charged and collected monthly service fees for sewers, that have been authorized and approved by the voters and have not been constructed for a period of ten or more years since the voter approval, is hereby authorized and directed to grant a credit against the future assessment to be assessed at the time of actual completion of construction of the sewers for each parcel of real property in an amount equal in dollars to the total amount of service fees charged and collected since voter approval for each such parcel, plus interest at six percent compounded annually: **PROVIDED,** That if such service fees and interest exceed the future assessment for construction of the sewers, such excess funds shall be used to defray future sewer service charge fees.

It is the intent of the legislature that the provisions of this section are procedural and remedial and shall have retroactive effect."

On page 1, line 1 of the title after "facilities;" and before "and" insert "creating a new section;"

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, North, Sellar, Talley.

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

On motion of Senator Wilson, the committee amendment to the title was adopted.

On motion of Senator Wilson, Substitute House Bill No. 30, 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 Woody: "Mr. President, would Senator Wilson yield to a question? Senator Wilson, one of the provisions you have in here on page one, lines twelve and thirteen, relates to connection charges for which reimbursement for the cost of the facilities constructed. One of the problems I have seen in my county are when a particular area has no sewers at all, but it is within a larger district in which there are sewers and heavy expenses. I am wondering whether you intend by this legislation that an area that does not have sewers can have costs for facilities assessed against their property even when they do not have, and are not to have, any sewer facilities added to their own premises."

Senator Wilson: "It is my understanding that that would not be—that is certainly not the intent of this legislation."



Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 30, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—32.

Voting nay: Senators Clarke, Cunningham, Gould, Guess, Hayner, Jones, Morrison, Murray, Newschwander, Pullen, Walgren—11.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

SUBSTITUTE HOUSE BILL NO. 30, as amended by the Senate, having received the constitutional majority, 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. 35, by Representatives Heck, Hawkins, Zimmerman, Nelson (Dick) and Tilly:

Making the election of PUD commissioners conform more closely to regular non-partisan election laws.

The bill was read the second time by sections.

On motion of Senator Talley, Engrossed House Bill No. 35 was advanced to third reading, the second 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. 35, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

ENGROSSED HOUSE BILL NO. 35, having received the constitutional majority, 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. 181, by Committee on Social and Health Services (originally sponsored by Representatives King, Haley and Lux):

Providing for physician's trained intravenous therapy technicians and airway management technicians.

The bill was read the second time by sections.

On motion of Senator Day, Engrossed Substitute House Bill No. 181 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. 181, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Voting nay: Senator Walgren—1.

Absent or not voting: Senators Bottiger, Herr—2.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 181, having received the constitutional majority, 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. 209, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Nelson (Dick), Hawkins, Hughes and Lux):

Giving information on delegate selection in the voter's pamphlet.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, Engrossed Substitute House Bill No. 209 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: "Well, then I will have to ask a question. Senator von Reichbauer, does the bill say that the voter's pamphlet has to have in there where the precincts will meet, and this is in the year before they meet, as I understand from your language a few minutes ago. Are they going to have to know eight months in advance where the precincts are going to meet?"

Senator von Reichbauer: "Mr. President, Senator Guess, it is not required that they have this data, but quite frankly, most precinct caucuses and by county do have this information, but this is not limited to just that data. They do not have to have that at that time."

### REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, I would like to speak to the same question if I may because I think this should be in the record as far as our interpretation of this. It is my interpretation that that clause on line fifteen is modified by the beginning language on line thirteen, so that you read that all in one piece. It would read, 'instructions as to how to ascertain the names of current precinct committee persons, precinct caucus chairpersons, the locations of precinct caucus meeting places and the dates of county, district and state conventions.' I think that any other interpretation would make it impossible for the secretary of state. I think that all the secretary of state is going to be required to provide there is instructions as to how to ascertain that information."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 209, and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Voting nay: Senators Beck, Guess, Newschwander, Rasmussen—4.

Absent or not voting: Senators Bottiger, Henry—2.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 209, having received the constitutional majority, 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. 237, by Representatives Adams, Whiteside, Fortson, Pruitt, Newhouse, Paris, May, Pearsall, Kreidler, Lux, Charette, Charnley, Shinpoch, Conner, Fischer, McCormick, Gallagher, North and Knowles:

Requiring the establishment of continuing education requirements for psychologists.

The bill was read the second time by sections.

On motion of Senator Day, House Bill No. 237 was advanced to third reading, the second 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. 237, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Guess, Newschwander, Pullen, Van Hollebeke—4.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

HOUSE BILL NO. 237, having received the constitutional majority, 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. 240, by Representatives King, Vrooman, May, Hughes, Lux and Martinis:

Regulating motor vehicles used by railroad companies to transport employees.

## REPORT OF STANDING COMMITTEE

March 3, 1977.

HOUSE BILL NO. 240, regulating motor vehicles used by railroad companies to transport employees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, after "term" strike "motor" and insert "passenger-carrying"

On page 1, lines 5 and 6, after "means" strike "any self-propelled vehicle" and insert "those buses and trucks owned, operated and maintained by a railroad company which regularly transports railroad employees in other than the cab of such vehicle and"

On page 1, line 11, after "every" strike "motor" and insert "passenger-carrying"

On page 1, line 12, after "transport" strike "one or more"

On page 1, line 16, after "the" strike "motor" and insert "passenger-carrying"

On page 1, line 21, strike "temperature of 60° Fahrenheit in all" and insert "reasonable temperature in"

On page 1, strike all of subsection (2) and renumber the other subsections consecutively

On page 1, line 25, after "of" strike "motor" and insert "passenger-carrying"

On page 1, line 26, after "of" strike "freight and"

On page 1, line 28, after "devices," insert "and"

On page 1, line 29, after "explosives" add a semicolon and strike the remainder of the sentence

On page 2, line 1, after "a" strike "motor" and insert "passenger-carrying"

On page 2, line 5, after "retaining" strike "freight or"

On page 2, line 5, after "the" strike "motor" and insert "passenger-carrying"

On page 2, line 14, after "any" strike "motor" and insert "passenger-carrying"

On page 2, line 17, before "assist" strike "shall" and insert "may"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments were adopted.

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

On page 2, line 15, after "transport" strike "one or more"

On motion of Senator Beck, House Bill No. 240, 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 Beck yield to a question? Senator Beck, the bill reads as doing more than what you are talking about there. The bill reads that the UTC shall adopt rules, etc. to insure that every motor vehicle you have provided by a railroad company to transport employees in the course of their employment. That means if they want to have an automobile, a minibus or anything on a public highway, now the utilities and transportation committee is going to give them rules and orders as are necessary to insure that the vehicle provided will be safe and so forth, the minimum standards for construction and mechanical equipment and all of that. I don't see the necessity for that. You told us in caucus it was a good bill."

Senator Henry: "In answer to Senator Van Hollebeke's question or inquiry, we won't call it a question, there are some six hundred thirty nine automobiles in that round number owned by the railroads that haul, not the employees, but the officers and other members around. The only thing that we are getting at here, and we think that the utility commission has the authority now to be sure that these crummies or whatever you want to call them, and that is what they call them in the woods, that haul the employees, and they are not all on the railroad tracks. Some of them down in our area they have buses that they take the employees out to, the section crews

out, park alongside the road, and then they go down over the bank and work on the railroads.

"This gives the utility commission the right to set certain rules and regulations about those that we have in the logging industry, for instance, where you are not supposed to have employees riding with a bunch of loose axes and things like flying around in the back of it, so I don't think we are giving them an authority they don't already have. It was a bill that was pretty well agreed to by both sides. All the cars have been taken out by amendment."

#### REMARKS BY SENATOR GOLTZ

Senator Goltz: "In further response to Senator Van Hollebeke's inquiry, I think section one defines the motor vehicles under consideration to express just exactly what Senator Henry has described."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 240, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—40.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senators Bottiger, Washington—2.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

HOUSE BILL NO. 240, as amended by the Senate, having received the constitutional majority, 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. 321, by Representatives Adams, Haley, Kreidler, Pruitt, Fischer and Lux:

Authorizing venereal disease case investigators to perform venipuncture under certain conditions.

The bill was read the second time by sections.

On motion of Senator Day, House Bill No. 321 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Buffington: "Mr. President, would Senator Day yield to a question, please? Senator Day, would you please tell me, has the department really expressed exactly how much in demand that the additional language in this particular statute would enable them to continue the work that you declare they are already doing?"

Senator Day: "Yes, I think they have expressed the feeling that it is necessary that they have this legislation in view of the fact that the Wilson case which was in this particular county determined that the act of venipuncture was actually a surgical act, and therefore these technicians were precluded from drawing blood. What this bill does is allow them to do it."

Senator Buffington: "Mr. President, may I continue and ask Senator Day one more question? Senator Day, are registered nurses now employed by the public health officers?"

Senator Day: "Yes, in some instances they are, and they would not need this act because, of course, they already are authorized in the statute to perform venipuncture."

Senator Buffington: "Thank you very much, Senator Day."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 321, and the bill passed the Senate by the following vote: Yeas, 27; nays, 12; absent or not voting, 4; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Herr, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, Wilson, Wajahn, Woody—27.

Voting nay: Senators Buffington, Cunningham, Guess, Hayner, Keefe, Newschwander, Pullen, Rasmussen, Sellar, von Reichbauer, Walgren, Wanamaker—12.

Absent or not voting: Senators Bottiger, Henry, Jones, Washington—4.

Excused: Senators Bausch, Bluechel, Fleming, Grant, Matson, Scott—6.

HOUSE BILL NO. 321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED HOUSE BILL NO. 386, by Representatives Douthwaite and Grier:

Revising law relating to property insurance in connection with credit or a debt.

### REPORT OF STANDING COMMITTEE

March 2, 1977.

ENGROSSED HOUSE BILL NO. 386, revising law relating to property insurance in connection with credit or a debt (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 28, after "commitment" delete "in writing"

On page 2, after line 32, insert a new section as follows:

"Sec. 2. Section 6, chapter 219, Laws of 1961 as amended by section 1, chapter 82, Laws of 1967 ex. sess. and RCW 48.34.060 are each amended to read as follows:

The initial amount of credit life insurance under a group policy shall at no time exceed the amount owed by the debtor which is repayable in installments to the creditor, or ((twelve)) twenty-five thousand ((five hundred)) dollars, whichever is less. Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ((seven)) ten years, except that in case of long term agricultural real estate mortgages or agricultural short term crop production loans, the amount of insurance on the life of the debtor shall at no time exceed the amount owed by him to the creditor or ((twenty-five)) fifty thousand dollars, whichever is less."

In the title, line 1, after "insurance;" strike "and"

In the title, line 2, after "48.30.260" and before the period, insert "; and amending section 6, chapter 219, Laws of 1961 as amended by section 1, chapter 82, Laws of 1967 ex. sess. and RCW 48.34.060"

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

On motion of Senator Woody, the committee amendments to the title were adopted.

On motion of Senator Woody, Engrossed House Bill No. 386, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Lewis, Sandison—2.

Excused: Senators Bausch, Fleming, Grant, Matson, Scott—5.

ENGROSSED HOUSE BILL NO. 386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2110.

#### MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2110, with the following amendments:

On page 1, line 18, strike "in litigation" and insert "being held in trust"

On page 1, line 21, strike "in litigation" and insert "being held in trust", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2110.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen,

Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Excused: Senators Bausch, Fleming, Grant, Matson, Scott—5.

ENGROSSED SENATE BILL NO. 2110, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2071.

#### MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2071, with the following amendment:

On page 1, line 14, strike "~~((another member of their profession))~~ a member of the professions named above" and insert "another member of their profession", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Day moved the Senate concur in the House amendment to Engrossed Senate Bill No. 2071.

#### MOTION

At 3:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:30 a.m., Tuesday, March 8, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 8, 1977.

The Senate was called to order at 10:30 a.m., by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bailey, Fleming, Francis, Grant and Rasmussen. On motion of Senator Odegaard, Senators Bailey, Fleming, Francis and Grant were excused.

The Color Guard, consisting of Pages Roxanna Freels and David Stelzer, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, IN THE LIGHT OF THE FREQUENT SCANDALS WHICH FROM TIME TO TIME HAVE BEEN EXPOSED IN THE POLITICAL WORLD OF OUR COUNTRY, WE ARE GRATEFUL FOR THE INTEGRITY WITH WHICH OUR LEGISLATORS THROUGH THE YEARS HAVE CONDUCTED PUBLIC BUSINESS HERE ON THE HILL.

"WE PRAY FOR THE MEMBERS OF THIS BIENNIUM AS THEY CONTINUE TO WORK AT MANY OF THE GREAT ISSUES WHICH YET AWAIT RESOLUTION. GUIDE THEM AS THEY USE THE RESOURCES OF INFORMATION AND STUDY THE ALTERNATIVE SOLUTIONS SO THAT IN THE END WE MAY HAVE THE BEST POSSIBLE ANSWERS TO THE NEEDS OF OUR STATE. HELP US WHO ARE CONSTITUENTS TO RECOGNIZE THAT ALL THINGS ARE NOT POSSIBLE EVEN IN A DEMOCRACY. AND SUSTAIN IN US THAT KIND OF FAITH IN OUR FORM OF GOVERNMENT THAT WILL ENABLE OUR LEGISLATORS TO SPEAK THEIR MINDS AND VOTE THEIR CONVICTIONS WITHOUT INVITING HARASSMENT OR REPRISAL. 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

March 8, 1977.

SENATE BILL NO. 2441, providing for disbursement of certain funds to counties to upgrade certain horse race courses (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Morrison, Murray, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

March 7, 1977.

SENATE BILL NO. 2846, providing training, counseling and services for women in transition (reported by Committee on Labor):

MAJORITY recommendation: Do pass and that Senate Bill No. 2846 be referred to the Committee on Ways and Means.

Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.  
Referred to Committee on Ways and Means.

March 8, 1977.

HOUSE BILL NO. 573, appropriating funds for session law publication  
(reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke,  
Jones, Marsh, Morrison, Murray, Sandison, Scott, Walgren.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 7, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2067,

ENGROSSED SENATE BILL NO. 2078,

SENATE BILL NO. 2079,

ENGROSSED SENATE BILL NO. 2124,

REENGROSSED SENATE BILL NO. 2171,

ENGROSSED SENATE BILL NO. 2181, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 1, and the same is  
herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 45,

HOUSE BILL NO. 136,

HOUSE BILL NO. 148,

HOUSE BILL NO. 180,

HOUSE BILL NO. 245,

HOUSE BILL NO. 585, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 55,

HOUSE BILL NO. 95,

HOUSE BILL NO. 106,

HOUSE BILL NO. 122,

SUBSTITUTE HOUSE BILL NO. 200,

SUBSTITUTE HOUSE BILL NO. 277,

SUBSTITUTE HOUSE BILL NO. 427, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 12,

HOUSE BILL NO. 108,  
 HOUSE BILL NO. 110,  
 HOUSE BILL NO. 111,  
 HOUSE BILL NO. 146, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 69, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 167,  
 HOUSE BILL NO. 274,  
 SUBSTITUTE HOUSE BILL NO. 291,  
 SUBSTITUTE HOUSE BILL NO. 385, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed HOUSE JOINT MEMORIAL NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The House has passed:  
 ENGROSSED SENATE BILL NO. 2075,  
 ENGROSSED SENATE BILL NO. 2126,  
 ENGROSSED SENATE BILL NO. 2157,  
 ENGROSSED SENATE BILL NO. 2385, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2021, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 2065,  
 SENATE BILL NO. 2066,  
 SENATE BILL NO. 2068,  
 SENATE BILL NO. 2098,  
 SENATE BILL NO. 2190, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1977.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 2060,  
 SENATE BILL NO. 2095,  
 SENATE BILL NO. 2096,

SUBSTITUTE SENATE BILL NO. 2130,  
 SENATE BILL NO. 2164,  
 SENATE BILL NO. 2225,  
 SENATE CONCURRENT RESOLUTION NO. 101, and the same are here-  
 with transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2005,  
 SUBSTITUTE SENATE BILL NO. 2019,  
 SENATE BILL NO. 2067,  
 SENATE BILL NO. 2078,  
 SENATE BILL NO. 2079,  
 SENATE BILL NO. 2110,  
 SENATE BILL NO. 2124,  
 SENATE BILL NO. 2171,  
 SENATE BILL NO. 2181.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2075,  
 SENATE BILL NO. 2126,  
 SENATE BILL NO. 2157,  
 SENATE BILL NO. 2385.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1,  
 HOUSE BILL NO. 12,  
 HOUSE BILL NO. 45,  
 HOUSE BILL NO. 55,  
 HOUSE BILL NO. 69,  
 HOUSE BILL NO. 95,  
 HOUSE BILL NO. 106,  
 HOUSE BILL NO. 108,  
 HOUSE BILL NO. 110,  
 HOUSE BILL NO. 111,  
 HOUSE BILL NO. 122,  
 HOUSE BILL NO. 136,  
 HOUSE BILL NO. 146,  
 HOUSE BILL NO. 148,  
 HOUSE BILL NO. 167,  
 HOUSE BILL NO. 180,  
 SUBSTITUTE HOUSE BILL NO. 200,  
 HOUSE BILL NO. 245,  
 HOUSE BILL NO. 274,  
 SUBSTITUTE HOUSE BILL NO. 277,  
 SUBSTITUTE HOUSE BILL NO. 291,  
 SUBSTITUTE HOUSE BILL NO. 385,  
 SUBSTITUTE HOUSE BILL NO. 427,  
 HOUSE BILL NO. 585,  
 HOUSE JOINT MEMORIAL NO. 1.

## MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2024, with the following amendment:

On page 1, beginning on line 23, after "3." strike all of the matter down to and including "body," on line 24 and insert "With the approval of the county legislative body, the county engineer, or other appointee of the county legislative body, shall administer the fund", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Beck, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2024.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2024, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bailey, Fleming, Francis, Grant—4.

ENGROSSED SENATE BILL NO. 2024, 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 Senate resumed consideration of the following House Message that was read in the Senate on March 7, 1977. Senator Day, at that time, had moved that the Senate concur in the House amendment.

## MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2071, with the following amendment:

On page 1, line 14, strike "~~((another member of their profession))~~ a member of the professions named above" and insert "another member of their profession", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

Debate ensued.

The motion by Senator Day carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2071.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2071, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senator Walgren—1.

Absent or not voting: Senators Donohue, Rasmussen—2.

Excused: Senators Bailey, Fleming, Francis, Grant—4.

ENGROSSED SENATE BILL NO. 2071, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the Senate Chamber today of former Senator Reuben Knoblauch and appointed Senators Gaspard, Washington, Hayner and Buffington to escort the honored guest to a place on the Senate rostrum.

With permission of the Senate, business was suspended to permit former Senator Knoblauch to address the Senate.

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

#### MESSAGE FROM THE HOUSE

March 7, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2083, with the following amendment:

On page 2, line 13, strike "may meet with the family of the decedent upon request" and insert "shall, upon request, meet with the family of the decedent", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator North, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2083.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2083, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Bailey, Grant—2.

ENGROSSED SENATE BILL NO. 2083, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2090, with the following amendment:

On page 1, line 16, after "RCW" insert "when authorized by the board of nursing", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2090.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2090, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Walgren—1.

Excused: Senators Bailey, Grant—2.

ENGROSSED SENATE BILL NO. 2090, 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 11:05 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

## NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:00 noon.

## MOTIONS

On motion of Senator Walgren, the Committee on Rules was relieved from further consideration of Senate Bill No. 2770.

On motion of Senator Walgren, Senate Bill No. 2770 was referred to the Committee on Ways and Means.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2133.

## MESSAGE FROM THE HOUSE

March 4, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2133, with the following amendments:

On page 6, beginning on line 13, strike all of section 1, and insert the following:

"Section 1. Section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter . . . (SB 2098), Laws of 1977 and RCW 2.12.050 are each amended to read as follows:

There is hereby created a fund in the state treasury to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. The department of retirement systems shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. The department shall keep written permanent records showing all receipts and disbursements of said fund (~~and shall make an annual written report showing receipts and disbursements and the status of said fund as of June 30th of each year, and shall, on or before the first day of August of each year, file one copy thereof with the governor, and one copy with the president-judge of the association of the superior court judges of the state of Washington~~))."

On page 40, on line 25, insert a new section to read as follows:

**"NEW SECTION.** Sec. 35. There is added to chapter 42.04 RCW a new section to read as follows:

Each state agency and each local agency, as defined in RCW 42.17.020, shall at least once each year contact all persons on its mailing lists and inquire whether they wish to remain on the agency mailing lists. Upon receipt of a negative reply, or if no reply is received within sixty days of such contact, the agency shall remove such names from its mailing lists: PROVIDED, That mailings by a state or local agency subject to requirements of federal statutes, rules, or regulations shall be exempt from the provisions of this section."

Renumber the remaining sections consecutively and change internal references accordingly.

On page 1, line 3 of the title, after "chapter" strike "28, Laws of 1967" and insert ". . . (SB 2098), Laws of 1977"

On page 5 of the title, on line 15, after "RCW 90.54.090;" and before "repealing" insert "adding a new section to chapter 42.04 RCW;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Scott, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2133.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2133, 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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Hayner, Murray—2.

Excused: Senator Grant—1.



ENGROSSED SENATE BILL NO. 2133, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 7, 1977.

Mr. President: The House has passed SENATE BILL NO. 2201, with the following amendment:

On page 2, line 10, after "purpose" insert ": PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such individual transportation", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator McDermott, the Senate concurred in the House amendment to Senate Bill No. 2201.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2201, 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 Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Hayner, Murray—2.

Excused: Senator Grant—1.

SENATE BILL NO. 2201, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 7, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2374, with the following amendment:

On page 3, line 32, strike "(51,500)\*" and insert "(55,500)\*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Guess, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2374.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2374, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Grant—1.

ENGROSSED SENATE BILL NO. 2374, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the Senate Chamber of Cecil A. Gholson and appointed Senators Newschwander, Matson, Bailey, Walgren, Buffington and Wojahn as a committee of honor to escort Mr. Gholson to a seat on the Senate rostrum.

#### MOTION

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

#### SENATE RESOLUTION 1977-11

By Senator Henry:

WHEREAS, Cecil A. Gholson served as a member of the House of Representatives from the 14th District in Yakima in 1939; and

WHEREAS, Cecil served his district with honor and distinction; and

WHEREAS, He always placed the needs of his constituency foremost in his mind in making legislative decisions; and

WHEREAS, After legislative service Cecil embarked on a long and successful career as a valued member of the third house; and

WHEREAS, He thoroughly understands the complexity of the problems facing this state and has unselfishly devoted himself to the solution of those problems; and

WHEREAS, Throughout his career he has been especially effective in working with the legislature; and

WHEREAS, The members of the legislature know and will remember Cecil as a trusted colleague, as an effective lobbyist of the highest integrity, and also as a personal friend to Democrat and Republican alike;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does hereby commend Cecil A. Gholson for his many years of unselfish service and expresses to him appreciation for a "job well done" and does hereby bestow upon him the title of Honorary State Senator;

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Cecil A. Gholson.

#### REMARKS BY SENATOR HENRY

Senator Henry: "Ladies and gentlemen of the Senate, thirty-seven years ago, as a neophyte in politics beating the sage brush over in Benton County in a little town called Benton City, I am sure that Max Benitz is familiar with, I bumped into a kindred soul who was also out beating the brush. He wasn't looking for votes. He was trying to make some sales, I think, for the company he represented. That was thirty-seven years ago, my friendship with 'Cec' Gholson started. He has been a member of the Legislature as was said in the resolution. He has been a friend to all

of the legislators here. He epitomizes to me the type of a member of the third house that will go down in history as those who have gone before him that have never given you a bum steer. They would not lie to you. You asked him even if it was something that he happened to be on the other side, you asked him for the details of the bill that he was opposed to and what the good points were, he would tell you.

"For that reason I think it is a great honor today that we are able to have here as our guests in the back of the room, I would like to introduce his wife, Edith, his daughter, Sally and his son-in-law, Dave. Would you please stand? And a long time friend and good companion of his, Mr. Sid Edland, who is no stranger to us either.

"At this time I would ask the acting Governor of the state of Washington, the Honorable John A. Cherberg, to present our guest with the certificate."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Mr. President, and thank you, ladies and gentlemen. I would like to say that when I first arrived in Olympia that I knew the background of our esteemed 'Cec' Gholson, and upon arrival found him to be one of nature's noblemen, a legendary character in his own right and his own time. Like Abou Ben Adhem, Cec, your name will lead all the rest. I am very grateful to you, Senator, for permitting me to present this certificate in recognition to all whom these presents shall come greeting:

"Know ye, honorary Senator Cecil A. Gholson is hereby recognized with appreciation by the Washington State Senate in testimony whereof a number of Senators have hereunto set their hands down at the capitol at Olympia this eighth day of March, A.D. 1977, attested by the Secretary of the Senate, Sid Snyder.

"Cecil, heartiest congratulations and best wishes."

#### REMARKS BY CECIL A. GHOLSON

Mr. Gholson: "Mr. President, President Pro Tem, 'Big Al', these charming girls, two lovely ladies. Fellow members of the Senate, both the ladies and the gentlemen, and members of the third house and state employees of the Senate. You know, I have had a very, very happy and successful life during my lifetime. Part of it has been made possible, a big part, by the association that I have had over the years by some of your predecessors and these present members. I may get a little emotional over this or I may have a tear in my eye, but I hope that you will understand.

"In speaking to you about my associations since 1939 as a member of the House and later as a lobbyist, sixteen of those years with a very fine company, the Boeing Company of Seattle, whom I was very, very proud of and still am.

"I have a list of names here that is quite long, but if there is one person that I know would be happy to be here today, it would be Senator Perry Woodall. As I was standing in Governor Cherberg's office, there was a picture of Perry, and it made you feel just like he was there. It really did. There are other members of the beloved Senate that I have known for years. Another one that comes to mind, Senator Mike Gallagher. I am happy to say that during this time I did have the privilege of not only having the friendship and the loyalty of not only Republicans, but Democrats alike. I can go back to many, many people that I see here today. I worked very closely with a Senator by the name of Dewey Donohue who was the dad of Hubert, and what a wonderful person.

"I also worked very closely with a Senator by the name of Ernie Huntley who was a former Senator and past commissioner of the revenue department. His son, Elmer, who has gracefully done his share of responsible work for the state of Washington as a Senator. There are other names like Davey Cowen, Fred Redmon, and Senator John Happy. He would have been happy to see you doing the job you are doing. He really would.

"There is Harry Wall, Senator Bob Rutter, Asa Clark, Vic Zednick, Ed Flanagan and Sid Flanagan, his son who is now a distinguished member of the House. There is a gentleman that I appreciated very much when I was in the Legislature and working very close with the House, and that was a fellow by the name of Charlie Morrison, Sid's father. He was a wonderful person, Sid, and I enjoyed being with that gentleman. John Ryder, Frank Foley, Bob Timm, Bob Twigg, Jimmy Anderson, Marsh Neill, George Kupka, Ed Riley, Barney Jackson, Jerry Hanna, Jack Rogers, Bill Gissberg, Dick Marquardt, Bob French, Pat Sullivan, Web Hallauer, Harry Wall and Fred Redmon from Yakima. These men I cherish very much because any success that I had, they helped me reach that success. Without them I couldn't have done near what I accomplished, and I am so proud and honored and happy to be here today to see this outstanding gesture on your part.

"I think it is the epitome of the top. It is greater than the Congressional medal or the Hall of Fame or anything else I think that a person could have, and I really cherish it, and I will assure you that I will do everything in my power to justify this great honor that you have bestowed upon me.

"Now before I close, I would like to take this occasion to make this announcement: In honor and in memory of our son, Gib Gholson, I am establishing a Senate scholarship fund for you gentlemen here in the Senate to authorize, write in the manner in which you want it presented, and the rules and regulations by which it shall be guided from now on. I am presenting an original contribution of a thousand dollars to this scholarship fund. When I say 'I', I mean our family, my wife and my daughter.

"I would like to have this yearly award to be selected by a Senate committee to the outstanding boy or girl majoring in political science in the state of Washington, and inasmuch as Gibby was to graduate from the University of Washington, I would like to have it stated that it be a scholarship fund at the University of Washington.

"While I am on the subject of Gibby, there is a friend here today that was probably as close to him as I was. He was his godfather, and I tell you, he did so much to help this boy when he was down here and he was so proud to work with him. That is the gentleman that today presented you Senators with the beautiful rhubarb. This boy idolized this Senator, and believe me, I appreciate all the nice things that the Senator did for Gib, and I am sure that he will appreciate just as much as I do what we are attempting to do here today.

"In closing, you gentlemen and ladies and your predecessors are beautiful and I love you dearly, more dearly than spoken words can say. Thank you."

#### REMARKS BY SENATOR HENRY

Senator Henry: "Thank you, Cec. On behalf of the Senate, it gives me pleasure to accept that scholarship on behalf of your, in the name of your son. I am sure that some deserving student will benefit greatly from this. I don't know at the closing of the end of a sixty day session, and some of the problems we have had, why anybody would want to get mixed up in politics or even political science because really, I haven't found a great deal of science to it up till now. Perhaps with a little book larnin' it might help some of us out. Would the committee please come forward and escort our fellow Senator—I might say also for those of you who do not know, this is only the fourth time in the state of Washington's history that this honor has been bestowed upon anyone. The first one was to a man most of us knew by the name of Wilbur Scruby. The second one was to a very fine young man who was cut down in the prime of his life by the name of Jack Hurley, the third was to Sammy Perkins, and now to a long time friend, Mr. Gholson."

The committee of honor escorted Mr. Gholson from the Senate Chamber to the office of the Lieutenant Governor and the committee was discharged.

MOTION

At 12:40 p.m., on motion of Senator Marsh, the Senate adjourned until 10:30 a.m., Wednesday, March 9, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, March 9, 1977.

The Senate was called to order at 10:30 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Day, Herr, Lewis and Woody. On motion of Senator Jones, Senator Lewis was excused. On motion of Senator Odegaard, Senators Day, Herr and Woody were excused.

The Color Guard, consisting of Pages Leah Grant and Daniel Francis, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

**"O GOD, OUR FATHER, REMOVE FROM US THE SOPHISTICATION OF OUR AGE AND THE SKEPTICISM THAT IS BUT A STEPPING-STONE FROM DESPAIR. BRING US BACK TO THAT FAITH THAT SUSTAINED OUR FOUNDING FATHERS IN THE FACE OF IMPOSSIBLE ODDS AND MADE FOR RESPONSIBLE CITIZENS, STABLE HOMES, AND A GREAT NATION."**

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 8, 1977.

**SENATE BILL NO. 2161**, transferring funds in the community college bond retirement fund and reserve account to the general fund (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2161 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Clarke, Jones, Marsh, Matson, Morrison, Murray, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

March 8, 1977.

**SENATE BILL NO. 2316**, authorizing additional nursing staff at the annex building at Retsil during the evening hours (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** That the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, North, Ridder, Van Hollebeke, Wojahn.

Referred to Committee on Ways and Means.

March 7, 1977.

**SENATE BILL NO. 2323**, authorizing courts to grant grandparents visitation rights (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2332, establishing the Washington State commission for the blind (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2383, providing for salary surveys and incentive pay for public employees (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2383 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Matson, Morrison, Rasmussen, Sandison, Scott, Walgren.

Passed to Committee on Rules for second reading.

March 1, 1977.

SENATE BILL NO. 2389, providing for payment of fees for state laboratory services (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2389 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Buffington, Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2390, revising the limiting age for child welfare services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2394, revising hearing procedures on public assistance cases (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Gould, McDermott, North, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2489, increasing the limit above which a PUD must contract for equipment or supplies (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2489 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2502, establishing procedures for the measurement of locally assessed property values for purposes of equalizing property values (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2502 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Matson, Morrison, Newschwander, Scott, Walgren.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2537, relating to transportation taxation (reported by Committee on Transportation):

Recommendation: That Substitute Senate Bill No. 2537 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 3, 1977.

SENATE BILL NO. 2579, facilitating enforcement of motor vehicle noise rules (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2579 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Murray, Ridder.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2853, modifying the duties of county auditors (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2853 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 2990, exempting from the gambling laws antique slot machines if not used for gambling purposes (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 8, 1977.

HOUSE BILL NO. 213, requiring the school directors' association to mark its vehicles in conformance with state law (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.



March 9, 1977.

HOUSE BILL NO. 613, repealing property tax revaluation ratio procedures  
(reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke,  
Jones, Marsh, Matson, Morrison, Newschwander, Scott, Washington.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

March 8, 1977.

Mr. President: The House has concurred in the Senate amendments to  
ENGROSSED HOUSE BILL NO. 386, and has passed the bill as amended by the  
Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The House has concurred in the Senate amendments to SUB-  
STITUTE HOUSE BILL NO. 30, and has passed the bill as amended by the  
Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE  
BILL NO. 57, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE  
BILL NO. 216, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The Speaker has signed:  
SENATE BILL NO. 2005,  
SUBSTITUTE SENATE BILL NO. 2019,  
SENATE BILL NO. 2067,  
SENATE BILL NO. 2078,  
SENATE BILL NO. 2079,  
SENATE BILL NO. 2110,  
SENATE BILL NO. 2124,  
SENATE BILL NO. 2171,  
SENATE BILL NO. 2181, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The Speaker has signed:  
HOUSE BILL NO. 35,  
SUBSTITUTE HOUSE BILL NO. 181,  
SUBSTITUTE HOUSE BILL NO. 209,  
HOUSE BILL NO. 237,

HOUSE BILL NO. 321, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk. March 8, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2074,

SENATE BILL NO. 2091,

SENATE BILL NO. 2106,

SENATE BILL NO. 2123, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 8, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2075,

SENATE BILL NO. 2126,

SENATE BILL NO. 2157,

SENATE BILL NO. 2385, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 35,

SUBSTITUTE HOUSE BILL NO. 181,

SUBSTITUTE HOUSE BILL NO. 209,

HOUSE BILL NO. 237,

HOUSE BILL NO. 321.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2024,

SENATE BILL NO. 2071,

SENATE BILL NO. 2083,

SENATE BILL NO. 2090,

SENATE BILL NO. 2201,

SENATE BILL NO. 2374.

#### MESSAGE FROM THE HOUSE

March 8, 1977.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 230, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Rasmussen, the Senate receded from the Senate amendment to House Bill No. 230.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 230, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Gaspard, Gould, Grant, Guess, Hayner, Jones, Keefe, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—39.

Voting nay: Senators Francis, Goltz, Matson, Wilson—4.

Absent or not voting: Senators Donohue, Henry—2.

Excused: Senators Day, Herr, Lewis, Woody—4.

HOUSE BILL NO. 230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 8, 1977.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 186, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

Senator Grant moved the Senate recede from the Senate amendments to House Bill No. 186.

### MOTION

Senator Mardesich moved the Senate adhere to the Senate amendments to House Bill No. 186.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, does your amendment prohibit any employees from giving for political contributions?"

Senator Mardesich: "No, in fact, it is the very opposite. It makes it clear that he can and should do so on an individual basis."

### POINT OF INQUIRY

Senator Rasmussen: "Senator Grant, would you yield to a question? Senator Grant, why do you say that the employees cannot contribute for political purposes under Senator Mardesich's amendment?"

Senator Grant: "I am not saying that the concept is improper, Senator Rasmussen. I am only saying that if it should apply to one group, it should apply to all groups, not just to labor organizations, but to employer organizations as well. It should not just be applicable in this measure."

Senator Rasmussen: "Senator Grant, are you going to be with us for the next sixty days?"

Senator Grant: "I rather doubt that, Senator. I imagine that the people in the seventh district have different plans for me."

## MOTION

Senator Francis moved the question be divided and that the amendments to page 1, lines 8, 9 and 15 be considered separately from the amendment to page 1, line 13.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Grant yield? Senator Grant, in the context of this bill the reference is made to employees of the state or any political subdivision. Are school districts in this context considered political subdivisions of the state?"

Senator Grant: "In that this only refers to RCW 41.06 and not the RCW with regard to educational employees, I would think that it only applies to state employees that are currently members of either the Washington Federation of State Employees or the Public Employees Association. That is, those working for state, direct state agencies, direct appropriations from the state."

There being no objection, the motion by Senator Grant that the Senate recede from all Senate amendments, was withdrawn.

The motion by Senator Francis carried and the question was divided.

## MOTION

On motion of Senator Grant, the Senate refused to recede on the Senate amendments on page 1, lines 8, 9 and 15 to House Bill No. 186.

## MOTION

Senator Grant moved the Senate do recede from the Senate amendment to page 1, line 13 to House Bill No. 186.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Grant that the Senate do recede from the Senate amendment to page 1, line 13 to House Bill No. 186.

The motion by Senator Grant failed on a rising vote.

## MOTION

Senator Mardesich moved the Senate do adhere to its position on the Senate amendment to page 1, line 13 to House Bill No. 186 and ask the House to concur.

## POINT OF ORDER

Senator Clarke: "Does not the motion automatically accomplish the result that Senator Francis suggests? Do you need to vote twice on the same thing?"

## RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, the President believes that the motion proposed by Senator Mardesich would be in order as there are several avenues that the Senate could pursue in this matter."

Further debate ensued.

## POINT OF INFORMATION

Senator Francis: "Mr. President, a point of information. I am wondering if the wording of Senator Mardesich's motion is appropriate. He said we should adhere, and I read under Reed's Rules number 247 that there are five motions in the following order: to concur, to non-concur, to recede, to insist and to adhere. Are we

putting ourselves in a box by adhering, and shouldn't we be moving to not concur? My question, Mr. President, is what would the effect of adhering be?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Francis, your remarks are well taken in the fact that to adhere is the strongest position that the Senate could take, although it is still possible for the bill to wind up in conference if the House does not adhere to its position."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Mardesich that the Senate adhere to its position on the Senate amendment to page 1, line 13 to House Bill No. 186 and ask the House to concur.

The motion by Senator Mardesich failed on a rising vote.

#### MOTION

Senator Mardesich moved the Senate insist on its position on the Senate amendment to page 1, line 13 to House Bill No. 186 and ask the House to concur.

The motion by Senator Mardesich carried on a rising vote.

#### MESSAGE FROM THE HOUSE

March 8, 1977.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 262, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

Senator Peterson moved the Senate recede from the Senate amendment to House Bill No. 262.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Peterson yield to a question? Senator Peterson, as you looked at this amendment, where did you find that it would conflict with any statutory laws or the Constitution?"

Senator Peterson: "I did not mean to say that it would conflict. I said it is superfluous language to what exists is what I meant to say. There is nothing here that really binds anything that isn't already in the statutes. This is the information that I am getting from my staff and the reasons why the House has refused to accept our amendment."

Senator Rasmussen: "Thank you, Senator Peterson."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate do recede from the Senate amendment to House Bill No. 262.

The motion by Senator Peterson failed on a rising vote.

#### MOTION

On motion of Senator Mardesich, the Senate insists on its position on the Senate amendment to House Bill No. 262 and once again asks the House to concur.

## MESSAGE FROM THE HOUSE

March 8, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 280, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Peterson, the Senate adheres to its position on the Senate amendments to Engrossed House Bill No. 280, and requests a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 280, and the Senate amendments thereto: Senators Peterson, Wanamaker and Sandison.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MOTION

At 11:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

## NOON SESSION

The President called the Senate to order at 12:00 noon.

## PRESENTATION OF APPLE BLOSSOM ROYALTY

The President announced the presence on the Senate rostrum of the Apple Blossom Royalty from Wenatchee. The President turned the gavel over to Senator Sellar. Senator Sellar introduced Princess Stacy Boswell, Princess Julie Gellatly and Queen Debbie Crump.

With permission of the Senate, business was suspended to permit Queen Debbie to address the Senate.

Senator Sellar returned the gavel to President Cherberg and the guests returned to the office of the Lieutenant Governor.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1977-13

By Senators Matson and Walgren:

WHEREAS, The state organization of the Young Men's Christian Association has conducted a Youth Legislature during the past several years for which the use of the Senate and House chambers for this purpose have been granted; and

WHEREAS, These Youth Legislatures have been most successful and educational to all participating therein; and

WHEREAS, It is the desire of the Legislature of the State of Washington to encourage the interests of our youth in legislative matters and in the proceedings of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the use of the Senate Chamber and the committee rooms be granted to the state organization of the Young Men's Christian Association for the Youth Legislature to be held in Olympia in 1977 and 1978.

## PERSONAL PRIVILEGE

Senator Walgren: "We have commented on the special session of the Legislature and I know that is something that is uppermost in the minds of most of the membership here, and of course, of people who are not serving in the Legislature as to when the Governor might call the Legislature back into special session. Regardless of what her determinations are, I think it is well known that the Senate in years past has endeavored to set particular time periods for the orderly commencement, the orderly conclusion of any special session, and for the information of the public and, of course, for the membership here I should say that we have been involved in discussions, certainly with Senator Matson and the Republican leadership in this body, and with Representative Bagnariol and the other leadership in the House of Representatives.

"We have prepared a cutoff resolution that would, we believe, set some reasonable times and dates for the conclusion of any special session that might be called in the future. We are prepared to pass that resolution at this time. The House of Representatives, the Democratic Caucus there is considering similar cut off resolutions in their own caucuses this afternoon at one o'clock. We think that perhaps it would be premature for us to pass our resolution now. We think it is appropriate that the House have an opportunity of considering this and making a determination and advising the leadership in this house and the Governor's office as to their conclusions.

"I would simply indicate that we will have a resolution on the desks for the membership tomorrow. Our intention is in any circumstance to pass over to the House of Representatives a resolution that will set forth reasonable dates as far as the conclusion of a special session.

## REMARKS BY SENATOR MATSON

Senator Matson: "Mr. President, just in responding to Senator Walgren, we are of course very delighted that the majority is working with the House in this matter, and we will be glad to aid them in any way possible to bring this thing to an orderly and final conclusion."

**PERMISSION GRANTED FOR USE OF SENATE CHAMBER**

Senator Donohue requested use of the Senate Chamber for a Ways and Means hearing at 7:00 tonight should the need arise. Permission was granted.

**MOTION**

At 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, March 10, 1977.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.



**SIXTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, March 10, 1977.

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 and Herr. On motion of Senator Odegaard, Senators Day and Herr were excused.

The Color Guard, consisting of Pages Michael Stein and Sarah Weiner, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, AS TIME RUNS OUT ON THE REGULAR SESSION OF THIS BIENNIUM AND SO MUCH WORK YET REMAINS TO BE DONE, WE RECOGNIZE AGAIN THE IMMENSITY AND WEIGHT OF THE LEGISLATORS' RESPONSIBILITIES, FOR THEM THERE ARE NO SHORT CUTS, NO EASY ANSWERS, NO SUGAR DADDYS.

"ENCOURAGE THEM IN THEIR WORK, WE PRAY. HELP THEM TO FIND VIABLE SOLUTIONS TO PROBLEMS THAT DEMAND RESOURCES GREATER THAN ARE PRESENTLY AVAILABLE. AND GIVE THEM A SENSE OF BEING USED BY YOU TO EXPRESS YOUR CONCERN AND CARE FOR THE PEOPLE OF THIS STATE. 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**

March 9, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 30,

HOUSE BILL NO. 57,

HOUSE BILL NO. 216, and

HOUSE BILL NO. 386, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 9, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2024,

SENATE BILL NO. 2071,

SENATE BILL NO. 2083,

SENATE BILL NO. 2090,

SENATE BILL NO. 2201, and

SENATE BILL NO. 2374, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 9, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 280 and the Senate amendments

thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Martinis, Moreau and Schmitten.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2133.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 30,  
HOUSE BILL NO. 57,  
HOUSE BILL NO. 216,  
HOUSE BILL NO. 386.

#### MOTION

At 10:10 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

#### MESSAGE FROM THE HOUSE

March 9, 1977.

Mr. President: The House stands on its previous position and refuses to concur in the Senate amendment to HOUSE BILL NO. 262 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on House Bill No. 262: Representatives Moreau, Martinis and Wilson.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Rasmussen, the Senate refused to grant a Conference on House Bill No. 262. The Senate adheres to its position and requests the House concur in the Senate amendment to House Bill No. 262.

#### STATEMENT FOR THE JOURNAL

##### RELATING TO MY AMENDMENT TO HB 262

It was adopted by this body on March 4, 1977. The intent of my amendment is to retain the right of private land owners to control trespass over and across their lands, and to protect their property against abuse or damage. This provision specifically relating to wildlife is covered in the game code under RCW 77.16.230. I simply want to reaffirm this individual right.

It is not the intent of my amendment to allow individuals to establish fish and wildlife seasons independent of those established by the State Game Commission which is charged with that responsibility. I recommend that the Senate refuse a request for a Conference Committee on this issue and that it be transmitted back to the House for their concurrence in the existing language.

Signed: Senator A. L. Rasmussen

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

### REPORTS OF STANDING COMMITTEES

March 9, 1977.

SENATE BILL NO. 2210, regulating prearrangement funeral service contracts (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 2210 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Walgren.

Passed to Committee on Rules for second reading.

March 9, 1977.

SUBSTITUTE HOUSE BILL NO. 217, increasing insurance coverage required for auto transportation companies to obtain certificate of operation (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Walgren.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

March 10, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 230, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 230.

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

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Bailey, Walgren, Newschwander and Matson:

Providing cutoff dates for the first extraordinary session of the forty-fifth legislature.

### MOTIONS

On motion of Senator Walgren, Senate Concurrent Resolution No. 113 was advanced to second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment:

On page 1, line 19, after "reform", and before "proposed" insert "criminal justice and corrections,".

Debate ensued.

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

Senator Grant moved adoption of the following amendment:

On page 1, line 19, after "proposed constitutional amendment," insert "campaign financing and reform,".

Debate ensued.

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

## MOTION

On motion of Senator Walgren, Senate Concurrent Resolution No. 113 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

SENATE CONCURRENT RESOLUTION NO. 113, having received the constitutional majority, was adopted.

## MOTION

At 12:15 p.m., on motion of Senator Walgren, 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 Walgren, the Senate advanced to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1977-10

By Senator McDermott:

WHEREAS, Evidence exists that nursing home fiscal audits by the Department of Social and Health Services have not been performed in a uniform and consistent manner, resulting in a failure to reimburse some providers for the reasonable costs of meeting standards, and resulting in apparently excessive profits for some providers of service; and

WHEREAS, House Concurrent Resolution No. 62, 43rd Legislature, Third Extraordinary Session, directed the Department of Social and Health Services to develop a nursing home payment system which ". . . rewards nursing homes that comply with state and federal regulations; encourages the development of a better level of patient care . . . and recognizes an adequate return on investment"; and

WHEREAS, RCW 74.09.120 provides for "reasonable 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 a reasonable rate of return on investment"; and

WHEREAS, The legislative intent of HCR 62 and RCW 74.09.120 may have been undermined by the department's administration of the nursing home audit program;

NOW, THEREFORE, BE IT RESOLVED, That there be established a Select Committee on Nursing Home Fiscal Audit to examine the internal audit program and procedures of the Department of Social and Health Services. This Select Committee shall be appointed by the President of the Senate upon recommendation of the Majority Leader, shall be bipartisan in nature, and shall be composed of members of the Ways and Means Committee and such other members as may be appropriate. The Chairman of the Select Committee shall be appointed by the Majority Leader, and the Committee shall report its findings and recommendations to the Senate at the commencement of the January, 1978 Extraordinary Session of the Legislature. The Select Committee on Nursing Home Audit, with the approval of

the Senate Committee on Facilities and Operations, shall employ Senate research staff necessary for the completion of the tasks set forth in this Senate floor resolution.

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

#### MESSAGES FROM THE HOUSE

March 10, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2133, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 113, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 26, by Representative King:

Returning all bills to their house of origin upon adjournment SINE DIE.

On motion of Senator Walgren, House Concurrent Resolution No. 26 was advanced to second reading and read the second time in full.

Senator Clarke moved consideration and adoption of the following amendments simultaneously:

On page 1, line 8, strike "placed on the third reading floor calendar" and insert "assigned to the Senate Committee on Rules".

On page 1, lines 12 and 13, strike "placed on the third reading floor calendar" and insert "assigned to the House Committee on Rules".

Debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Walgren, Matson, Washington, Mardesich, Ridder, Francis, Jones, Lewis and Donohue.

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Walgren would yield to a question? Senator Walgren, if I vote with you in this position, would you please clarify what the thinking—would I have a good WEA vote—then would you ask them to point it up?"

Senator Walgren: "Senator Mardesich, do you want this particular thing in the record? You know you are very concerned about that."

Senator Mardesich: "I want to be with you and I don't know if I should change because—you know."

Senator Walgren: "I will do my very utmost to see that things are taken care of as far as you are concerned, Senator Mardesich."

The President declared the question before the Senate to be the roll call on the amendments by Senator Clarke.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; nays, 28; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Donohue, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, Pullen, Scott, Sellar, Wanamaker, Wilson—18.

Voting nay: Senators Bailey, Bausch, Beck, Bottiger, Buffington, Fleming, Francis, Gaspard, Goltz, Gould, Keefe, Mardesich, Marsh, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn, Woody—28.

Absent or not voting: Senator Henry—1.

Excused: Senators Day, Herr—2.

Senator Cunningham moved adoption of the following amendment:

On page 1, line 8, strike "third" and insert "second", and on line 13, strike "third" and insert "second".

Debate ensued.

## POINT OF INQUIRY

Senator Cunningham: "Will Senator Walgren yield to a question? Senator Walgren, then were you saying that you would be fully supportive of extending the normal courtesy to any member wishing to return a bill from third to second reading?"

Senator Walgren: "I am saying, Senator Cunningham, that you can certainly make your motion with regard to any particular bill that is before us on third reading so that it might be returned to second reading at that time."

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

On motion of Senator Walgren, House Concurrent Resolution No. 26 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

HOUSE CONCURRENT RESOLUTION NO. 26, having received the constitutional majority, was adopted.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 113.

## MOTION

At 2:45 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 3:00 p.m..

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

## MESSAGES FROM THE HOUSE

March 10, 1977.

Mr. President: The Speaker has signed SENATE RESOLUTION NO. 113, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 262, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 10, 1977.

Mr. President: Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 26, the House herewith returns the following Senate Bills:

SENATE BILL NO. 2014,  
 SENATE BILL NO. 2029,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2032,  
 SENATE BILL NO. 2048,  
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 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2632, and  
 SENATE JOINT RESOLUTION NO. 109, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

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

#### SENATE RESOLUTION 1977-12

By Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody:

WHEREAS, Senator Robert C. (Bob) Bailey has been appointed by Governor Ray as Chairman of the Public Utilities Commission of the State of Washington; and

WHEREAS, From 1951 to 1956, Senator Bailey served as a member of the House of Representatives; and from 1957 to this time served as a member of the Senate of the State of Washington; and

WHEREAS, Both as a member of the House of Representatives and as a state senator, Robert C. Bailey has achieved an outstanding record as a legislator and has left to the people of the state of Washington as a permanent memorial of his devotion to the best interests of the citizens of the state many statutes which were enacted as a result of his sponsorship and of his efforts; and

WHEREAS, From and after his active military service with the naval forces of the United States of America in World War II, Senator Bailey, in addition to his private employment as a newspaper publisher and printer, increasingly devoted his life to public service; first, as county clerk for Pacific county during the years 1947 to 1951; as administrative assistant to former Congresswoman Julia Butler Hansen



from 1966 to 1974; and as manager of the Port of Willapa from 1974 to the present time; these duties were in addition to his legislative service; and

WHEREAS, Senator Bailey's sense of fairness and justice and unswerving devotion to the highest standard of conduct in public affairs was recognized by his peers in the Senate, who elected him chairman of the Senate Board of Ethics; and by the caucus of his own party, who elected him chairman of the Democratic Caucus, in which capacity he served from 1961 until his resignation from that position, the longest term a caucus chairman has ever served in the history of the senate of this state; and

WHEREAS, Senator Bailey throughout his public life has consistently and successfully fought for the best interests of the common people and has represented them with dignity and outstanding ability, in the best democratic tradition;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate extend their wholehearted appreciation to Robert C. Bailey for the many years of joint service shared with them in the Legislature, and particularly in the Senate; and

BE IT FURTHER RESOLVED, That the Senate extends its sincere congratulations and wishes him well on the occasion of his assumption of new duties and obligations; and that the Senate expresses its deeply felt regret in losing Senator Bailey as one of its most esteemed and beloved members; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby directed to have this resolution appropriately inscribed and forwarded to Senator Bailey, his charming wife, Lee, and his son, Mike, as a token of the respect and affection the members of the Senate hold for him.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg: "Thank you, ladies and gentlemen of the Senate. The President, before requesting the Secretary to read the Resolution, would like to request of two members of our staff, Mrs. Greeley and Mr. Snyder, that you please join with a committee of Senators to be made up of those members who were either Senators at the time of Senator Bailey's arrival in the Senate or were in his 1957 class, Senator Keefe, Senator Washington, Senator Talley and Senator Henry, and the Republican members are requested, Senator Matson, Senator Newschwander, Senator Clark. Would you please act as a committee of honor to escort the highly respected and capable Senator to the rostrum, and Elmo, would you join the committee?"

#### APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg: "Ladies and gentlemen of the Senate, prior to the consideration of the Resolution, the President respectfully requests Senator Sandison, Senator Rasmussen, Senator Guess and Senator Murray that you please escort Mrs. Bailey to the rostrum."

#### APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg: "Would Senator Ridder and Senator Buffington please escort Mr. Mike Bailey to the rostrum?"

#### MOTION

On motion of Senator Henry, Senate Resolution 1977-12 was unanimously adopted.

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I know that we are all going to miss Senator Bailey, his wife and very fine son, but more particularly our associations have been with Senator Bailey in the caucus.

"He never, ever raised his voice, but he sure had a loud gavel. He kept things going on an even keel. I had the opportunity, of course, to serve with Bob in the House, served with him in the Senate, found his wisdom very good, and I am sure that even the Republicans will join with us, and I know they are going to have something to say because he has kept an even keel between the parties so that now, strange as it may seem, we don't fight like we used to. We agree on what is best for the people, and we work at it, and I that is largely the result of Bob Bailey's wise counsel. I have certainly enjoyed serving with him."

## REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Thank you, Mr. President. Bob, I can tell you that all nineteen of us on this side are really going to miss you. I don't think there are many times we got the best of you. We tried and tried for the eight years since I have been in, and I think I got up with it even once at breakfast one morning, but you told us on the floor about four years ago that you had the votes, and so we knew you had the votes.

"We respect you. We are going to miss you, and we wish you well in your new endeavor. I am sure we are going to see you around quite often, and I am waiting for the day that maybe we can walk you down the aisle again. Best wishes to you and your wife and your son."

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, after the redistricting of a few years back and I acquired part of Pacific County, it was a new area to me and Senator Bailey was a great help to me and has been ever since about half of Pacific County came into my district. One of the greatest assistances he gave to me is when I was campaigning in the Long Beach Peninsula area, Sid Snyder's area.

He said, 'You know, Gary, there is a problem you have out here, and that is your last name.' He said, 'There is a fellow active in state government who happens to be in charge of the state parks,' and he said, 'I would advise you that you do something about that.'

"I said, 'Do you think we can counteract that? That might be a way that we would lose this seat to the Republicans.'

"He said, 'Oh, I think we can do something about it.'

"So, every meeting we went to together, the first thing Bob would do is, first of all, say, 'He is not related to that other Odegaard,' and we even sent out a special letter to that effect to all of the people living in that area. That seemed to do the trick.

"I think the greatest attribute that we have seen in Senator Bailey, and especially in our caucus, is the way he can bring together a concensus at critical times especially towards the end of the session, in trying to make the very serious decisions we have to make, especially in the budget areas. He has that ability to pull us together somehow, and it is not easy, as any of you have been in our caucus have happened to observe, at times that is not the easiest thing to do. I have an idea that he will be able to do that also, we hope, with the utilities and transportation commission.

"We will miss you, Bob, but we will be close by."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I have had the opportunity of knowing Bob for a long time, both before I became a member of the Legislature and during my service here. One of the most pleasurable experiences is to serve, as I have, on the many special committees that we have jointly been on. I have always found that he was extremely knowledgeable and reasonable. My only hope is that you fellows on the other side can find somebody that will do as good a job as he has in that particular capacity. I think you really have got a problem there."

## REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, reaching back into memory, after my first year down here 1963, I remember Senators Marshall Neill and Perry Woodall were particularly unhappy with the way some of the scheduling was going on, and so they went to Bob and asked Bob to see if they couldn't sit down and to iron out some of the problems that had occurred. I remember sitting in a room in the Olympic Hotel and listening to Marsh and to Perry tell about the real, sincere, cooperative effort that they were working with Bob Bailey and trying to help smooth, the operation of the Senate, and I think that this was the beginning of the mode of operation that we have today where we can put out a schedule and that schedule is adhered to. You can have constituents come over and they can expect to testify before a committee on time. The operation of the Senate today bears very markedly the steady hand that Bob Bailey has exerted.

"I want to tell Bob that I will miss him and I will miss the fairness that he has exhibited and the cool head that he has had. I am not going to say that he hasn't flared once in a while because I got a sting from him once, but he came over in a little bit and said, 'I didn't mean that, Sam,' and I appreciated that. Thank you, Bob, for your service."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, we are all going to miss Bob for one reason or another. I would just like to mention a few. Obviously, the record. We are going to have to be more careful without him to remind us what we are doing. What I am going to miss most is the getting up in caucus and thinking I am persuading the whole thing, and hearing his voice saying, 'Now don't get me wrong,' or, 'I am with you, but—' and know you have about had it. That is what I am going to miss most."

## REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President and members of the Senate, sometimes an adversary role builds a greater opportunity for respect than just getting along day to day, and Bob Bailey and I quite often, particularly when I was in the House, found ourselves on different sides of issues, particularly the labor issues, where the heat is usually on. And, Bob, I remember those many, many hours we spent, and from this side of the aisle and on behalf of a lot of working people in this state, that I think your position has helped significantly in these years that I have known you, thank you."

## REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate, I no longer can speak for the freshmen, but I can speak for the second row from the back, and those of us that joined the Senate two years ago, I think, will always appreciate the ease

with which our caucus chairman, Bob Bailey, made it possible for us to join in the activities of this body and feel comfortable in that role. I also learned a great deal of respect for Bob Bailey as a member of the ethics board and we also learned from his experience on the ethics board that when we are waving at people we should always use all of the fingers on our hands.

"Now, we are kind of sorry in a way that Bob is going over and joining the bureaucracy, and someone once said that a bureaucrat doesn't steer the ship of state, he only adjusts the compass. I suspect that when Bob Bailey joins the bureaucracy they will know they have got someone at the wheel, so best of luck to you and Lee and your son, and we are going to miss you over here."

#### REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President and members of the Senate, I would also like to join in this chorus of voices saying that we are going to miss you, Senator Bailey. I am going to miss you because it is going to be very difficult, I am afraid, to find a replacement for you on that labor committee. It is not an easy committee to serve on, and I am going to miss you on that count. I am probably going to miss you more than any other member here, too, because you are going to be around Olympia, and very likely with the ground swell that is developing that I will not be."

#### REMARKS BY SENATOR MURRAY

Senator Murray: "I can't top that, Mr. President and members of the Senate, but I think Senator Bruce Wilson and I are the only members of the body that are doing this, in effect, for the second time. As weekly newspaper publishers, we saw you leave our ranks a few years back, and I know that we were at a loss because of that. Now, as Senators, we are seeing you leave the Senate. I know that we will miss you and we wish you the best of luck."

#### REMARKS BY THE PRESIDENT

"Mr. Johnson, would you and Mr. Shabaz please escort the Honorable Gordon L. Walgren to the rostrum."

"Honored members of the Senate, ladies and gentlemen, it is indeed a pleasure and with great pride that the President presents to you the Honorable Gordon L. Walgren."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Thank you very much. Senator Bailey, I want to assure this is not going to be a major address by any means in spite of the pomp and circumstance that attended my coming up here to the front.

"As usual, and I am glad they passed and acted upon that resolution before I arrived because, as usual, as you know, my name starting with 'W' most of the decisions are made by the time the voting is finally done, and so it is with the remarks that have been made out here on the floor. All of those good things that are most appropriate have mostly been said. I certainly join with all of those remarks

"I know that today is one in your life that is marked with a tinge of sadness, and yet with a great sense of anticipation with the challenge that is facing you with an opportunity to proceed as you have in the past with the good works for the people of the state of Washington. That, of course, is in the new position that you are about ready to assume. I think really that the fact that the Governor has seen fit to appoint you to this position is indeed the true test and the true merit of your ability and the integrity that we all know that you possess. That is a very sensitive position there, and we are very, very pleased that you saw fit to assume this job. We are, of course, as

has already been said, going to miss you. I personally am going to miss you. As I have indicated in the caucus, you have been a great help to me in trying to bring about the concensus, certainly on our side, of the thirty Democratic voices that range from one side to the other side and seldom, if ever, get together. But you have, as we have already said, been the catalyst to bring us together and I want to personally thank you, and I know all the members of our caucus do also.

"On behalf of the entire Senate of the State of Washington, I want to present you with the Resolution that was read and adopted unanimously, and of course, signed by all of the members of the Senate. Ordinarily we have to move that they all be added on here, but you know, they were all here with you from the very beginning, and we want to be with you as you leave now and once again, congratulations, Bob."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "While there is this pause and all those votes are up there, I wonder if some other motion might be in order."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Walgren. Bob, Lee and Mike, Betty and I have always found the greatest pleasure in knowing you, and from my standpoint I am very honored and proud to have had the opportunity to work with you."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "This is going to be very short. Members of the Senate, I deeply appreciate this. I hate to go, but I am kind of glad to go too, and watch you struggle for another sixty, seventy, eighty days, whatever you decided this morning. I want to just set the record straight for Gary Grant, and that is that yesterday at the labor meeting, Senator Ridder said this would be my last meeting, and I had the temptation to say that the reason I am going over there is to get away from this committee, but I thought it might be hard to recruit another member if I said that because Ruthe does run an extremely good committee.

"Senator Murray has alluded to the fact that it was a loss to them when I left the newspaper business. That is the reason I left. It was quite a loss to me, too.

"Seriously, I have enjoyed wielding the gavel in Democratic caucus. I can do that there. You guys are pretty small, but when I get home, a gavel doesn't do much good on a guy like this. He is too big. But Mike and I and Lee appreciate this today. I am sorry. I have been very grateful to all of you, the staff, the press, the members, and I will miss you myself, but I hope to get back and lobby a little bit in the next couple of months on a new budget. Thank you very much."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Bob, everybody joins in extending you all kind thoughts from the Senate and best wishes and Godspeed in your new opportunity.

"Would the committee please come and escort Mrs. Bailey and Tiny from the rostrum?"

"Would the Senatorial committee please come to the rostrum and escort the Honorable Bob Bailey to his desk?"

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I am not going to ask for equal time, but I heard a certain Senator a few minutes ago speak about a ground swell. I am sorry that he can't tell his feet from his head, but it is more like a head swell."

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

## MESSAGES FROM THE HOUSE

March 10, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 262, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

## MOTION

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

## SENATE RESOLUTION 1977-14

By Senators Walgren, Bailey, Matson and Newschwander:

BE IT RESOLVED, That a committee of three members of the Senate be appointed to notify the House that the Senate is now ready to adjourn Sine Die.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1977-14, the President appointed Senators Bailey, Walgren and Matson as a committee of three to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

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

## COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee comprised of Representatives Grim, Winsley and Boldt 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.

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

## MESSAGE FROM THE HOUSE

March 10, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 27, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 27, by Representatives King and Berentson:

Appointing a committee to notify the governor that the legislature is ready to adjourn SINE DIE.

## MOTIONS

On motion of Senator Marsh, House Concurrent Resolution No. 27 was advanced to second reading and read the second time in full.

On motion of Senator Marsh, House Concurrent Resolution No. 27 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 27, the President appointed Senators Wojahn, North and Ridder to join with a like committee from the House to notify the Governor that the Legislature 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 third order of business.

## MESSAGE FROM THE GOVERNOR

Office of the Governor

## PROCLAMATION BY THE GOVERNOR

In accordance with the constitutional limitation in Article II, Section 12, the 45th Session of the Washington State Legislature will be adjourned March 10, 1977, the sixtieth day of the session. It is obvious that the sixty day limit imposed in 1889 does not allow the Legislature enough time to consider the problems our state faces in 1977.

In recognition of the unrealistic deadline the sixty day limit imposes, I intend to convene the Legislature in extraordinary session. I am confident that during this special session the members of the 45th Legislature will resolve the problems of school funding, deal with pension reform, revise our tax system, provide emergency authority to deal with energy shortage, provide authority for reorganizing state government, and fund state government.

NOW, THEREFORE, I, Dixy Lee Ray, 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 eleventh day of March, A.D., 1977, at the hour of nine o'clock a.m. for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this tenth day of March, A.D., Nineteen Hundred and Seventy Seven.

DIXY LEE RAY, Governor of Washington.

BRUCE K. CHAPMAN, Secretary of State.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 26.

## MESSAGE FROM THE HOUSE

March 10, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 27, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 262,  
HOUSE CONCURRENT RESOLUTION NO. 27.

## REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Bailey, Walgren and Matson appointed to notify the House that the Senate was ready to adjourn SINE DIE reported 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 Wojahn, North and Ridder appointed to notify the Governor that the legislature was about to adjourn SINE DIE under the provisions of House Concurrent Resolution No. 27, 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 Regular Session of the Forth-fifth Legislature adjourn SINE DIE.

The report was received and the committee was discharged.

## MOTIONS

On motion of Senator Walgren, the Senate Journal of the Sixtieth Day of the Regular Session of the Forty-fifth Legislature was approved.

At 3:47 p.m., on motion of Senator Bailey, the Senate of the Forty-fifth Legislature, Regular Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



SENATE JOURNAL  
First Extraordinary Session  
Forty-Fifth Legislature  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, the State Capitol

Convened Regular Session January 10, 1977.  
Adjourned Regular Session *SINE DIE* March 10, 1977.  
Convened First Extraordinary Session March 11, 1977.  
Adjourned First Extraordinary Session *SINE DIE* June 21, 1977

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

---

JOHN A. CHERBERG, *President of the Senate*  
AL HENRY, *President Pro Tempore*  
JAMES E. KEEFE, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* . . . . . GORDON L. WALGREN  
*\*Chairman* . . . . . GORDON SANDISON  
*Assistant Majority Leader* . . . . . DAN MARSH  
*Vice Chairman* . . . . . GEORGE FLEMING  
*\*\*Secretary* . . . . . GARY M. ODEGAARD

\*Robert C. Bailey resigned March 10, 1977

Gordon Sandison elected Chairman March 10, 1977 (resigned June 21, 1977)

\*\*Gary M. Odegaard elected Chairman June 21, 1977

Bruce A. Wilson elected Secretary June 21, 1977

### REPUBLICAN CAUCUS

*Minority Leader* . . . . . JIM MATSON  
*Chairman* . . . . . CHARLES NEWSCHWANDER  
*Floor Leader* . . . . . GEORGE W. CLARKE  
*Minority Whip* . . . . . JOHN D. JONES  
*Assistant Floor Leader* . . . . . R. H. (BOB) LEWIS  
*Vice Chairman* . . . . . F. (PAT) WANAMAKER

*Assistant Secretary* . . . . . BILL GLEASON  
*Sergeant at Arms* . . . . . CHARLES L. R. JOHNSON  
*Secretary to the Secretary* . . . . . FLORENCE KENDERESI  
*Reader* . . . . . VERNE SAWYER

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**STATE OF WASHINGTON**  
**FIRST EXTRAORDINARY SESSION**  
**OF THE**  
**FORTY-FIFTH LEGISLATURE**

**FIRST DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia, Friday, March 11, 1977.

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 Bausch, Bluechel, Bottiger, Cunningham, Day, Fleming, Francis, Hayner, Herr, North, Scott, Van Hollebeke and Woody. On motion of Senator Jones, Senators Bluechel, Hayner, North and Scott were excused. On motion of Senator Odegaard, Senators Bausch, Bottiger, Day, Fleming, Francis, Herr, Van Hollebeke and Woody were excused.

The Color Guard, consisting of Pages Warren Besco and Noelle Bach, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD AND FATHER BY WHOM OUR NATION HAS BEEN ESTABLISHED IN FREEDOM AND OUR STATE PRESERVED IN UNION, WE THANK YOU FOR OUR PUBLIC SERVANTS, FOR THEIR FAITH IN THE FUTURE OF OUR STATE AND FOR THEIR PERSEVERANCE IN THE FACE OF FRUSTRATION AND FATIGUE.

"GUIDE THE SENATORS IN FINDING ANSWERS TO THE COMPLEX PROBLEMS OF THIS BIENNIUM. BLESS WITH SOUND LEGISLATION THE HOURS GIVEN TO STUDY, DISCUSSION AND DEBATE IN THIS SPECIAL SESSION. AND AT DAY'S END, GRANT TO EACH THAT PERSONAL ENRICHMENT WHICH ATTENDS YOUR APPROVAL. AMEN."

MESSAGE FROM THE SECRETARY OF STATE  
DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY

March 11, 1977.

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

MR. PRESIDENT:

I, Bruce K. Chapman, Secretary of State of the State of Washington and custodian of the official seal of the State, do hereby certify that I have compared the attached copy of the proclamation of the Governor calling an extraordinary session of the Legislature of the State of Washington to convene on the 11th day of March, 1977, with the original 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 the seal of the State of Washington. Done at the Capitol at Olympia on the 11th day of March, 1977.

DONALD F. WHITING  
Deputy Secretary of State  
for  
BRUCE K. CHAPMAN  
Secretary of State.

#### PROCLAMATION BY THE GOVERNOR

Office of the Governor.

In accordance with the constitutional limitation in Article II, Section 12, the 45th Session of the Washington State Legislature will be adjourned March 10, 1977, the sixtieth day of the session. It is obvious that the sixty day limit imposed in 1889 does not allow the Legislature enough time to consider the problems our state faces in 1977.

In recognition of the unrealistic deadline the sixty day limit imposes, I intend to convene the Legislature in extraordinary session. I am confident that during this special session the members of the 45th Legislature will resolve the problems of school funding, deal with pension reform, revise our tax system, provide emergency authority to deal with the energy shortage, provide authority for reorganizing state government, and fund state government.

NOW, THEREFORE, I, Dixy Lee Ray, 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 eleventh day of March, A.D., 1977, at the hour of nine o'clock a.m. for the purposes stated herein.

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

DIXY LEE RAY  
Governor of Washington.

BRUCE K. CHAPMAN  
Secretary of State.

#### MOTION

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

## SENATE RESOLUTION 1977-15

By Senators Sandison and Newschwander:

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-fifth regular session of the legislature; and

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

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the forty-fifth regular session of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That said officers, committee chairmen and committee members of the said regular session shall constitute the officers and committees of the first extraordinary session of the forty-fifth legislature, except for the following change in the standing committees:

Senator Gordon Sandison appointed to the Senate Rules Committee.

## MOTION

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

## SENATE RESOLUTION 1977-16

By Senators Walgren, Sandison, Matson and Newschwander:

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

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Beck, Lewis and Sandison as a committee of three to notify the House that the Senate is organized and ready to transact business.

## MOTION

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

## COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee consisting of Representatives Bauer, Patterson and Becker appeared before the bar of the Senate to notify the Senate that the House of Representatives was organized and ready to transact business.

## REPORT FROM SPECIAL COMMITTEE

The special committee consisting of Senators Beck, Lewis and Sandison appeared before the bar of the Senate to report that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

## PARLIAMENTARY INQUIRY

Senator Mardesich: "Is there not a message to be read with respect to Senator Bailey before that is official? Before any action can be taken with respect to vacated positions and all that? Don't we get a copy?"

## REPLY BY THE PRESIDENT

President Cherberg: "The Secretary has advised, Senator Mardesich, that Senator Bailey notified the Governor's office which is the proper place for such notification to be addressed. A copy will eventually be delivered, Senator."

## MOTION

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

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 114, by Senators Walgren, Sandison, Matson and Newschwander:

Reintroducing bills from the regular session.

## MOTIONS

On motion of Senator Walgren, Senate Concurrent Resolution No. 114 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Senate Concurrent Resolution No. 114 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 11, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 28, by Representatives King and Berentson:

Notifying the governor that the legislature is in session.

## MOTIONS

On motion of Senator Walgren, House Concurrent Resolution No. 28 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, House Concurrent Resolution No. 28 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators von Reichbauer, Jones and Gaspard as the three members from the Senate, in accordance with House Concurrent Resolution No. 28, to join with a like committee from the House of Representatives to notify the Governor that the legislature is organized and ready to transact business.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE  
DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY

March 10, 1977.

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

MR. PRESIDENT:

I, Bruce K. Chapman, do hereby certify that the attached is a true and correct copy of the resignation of Senator Robert C. Bailey of the 19th Legislative District, which resignation became effective subsequent to the adjournment of the regular session of the 45th Legislature.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the State of Washington. Done at the Capitol at Olympia on the 10th day of March, 1977.

DONALD F. WHITING  
Deputy Secretary of State  
for  
BRUCE K. CHAPMAN  
Secretary of State.

RESIGNATION OF STATE SENATOR ROBERT C. BAILEY

March 9, 1977.

HONORABLE DIXY LEE RAY  
GOVERNOR  
STATE OF WASHINGTON  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON

DEAR GOVERNOR RAY:

This is to submit my resignation as State Senator from the 19th Legislative District, effective at midnight, March 10, 1977.

Very sincerely,  
Signed: ROBERT C. BAILEY  
State Senator, Pacific and Grays Harbor Counties.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators von Reichbauer, Jones and Gaspard, appointed under the provisions of House Concurrent Resolution No. 28, notifying the Governor that the legislature was organized and ready to transact business appeared before the bar of the Senate and reported the Governor had been notified.

The report was received and the committee was discharged.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2371.

## SECOND READING

SENATE BILL NO. 2371, by Senators Walgren, Henry and Guess:  
Updating the Model Traffic Ordinance.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2371 was advanced to third reading, the second 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. 2371, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 2; excused, 10.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Cunningham, Matson—2.

Excused: Senators Bausch, Bluechel, Bottiger, Day, Fleming, Francis, Hayner, North, Scott, Woody—10.

SENATE BILL NO. 2371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Clarke, Senator Cunningham was excused.

## SECOND READING

SENATE BILL NO. 2678, by Senators Walgren, Bailey and Newschwander:

Authorizing additional distribution of the computer tape on statewide registered voters.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2678 was advanced to third reading, the second 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. 2678, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 1; excused, 11.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senator Matson—1.

Excused: Senators Bausch, Bluechel, Bottiger, Cunningham, Day, Fleming, Francis, Hayner, North, Scott, Woody—11.

SENATE BILL NO. 2678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



SECOND READING

SENATE BILL NO. 2202, by Senators Donohue and Odegaard (by Department of Natural Resources request):

Regulating funds and properties managed by the department of natural resources.

MOTION

On motion of Senator Walgren, Senate Bill No. 2202 was ordered to hold its place on the second reading calendar for March 14, 1977.

MOTION

At 9:45 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 114, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 114.

MOTION

At 12:02 p.m., on motion of Senator Walgren, the Senate adjourned until Monday, March 14, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FOURTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, March 14, 1977.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Buffington, Grant, Scott and Woody. On motion of Senator Jones, Senators Bluechel, Buffington and Scott were excused. On motion of Senator Odegaard, Senators Grant and Woody were excused.

The Color Guard, consisting of Pages Michael McDade and Bradley Ulin, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD, WHOSE WISDOM GUIDES THE HEAVENS AND EARTH, AND WHOSE COMPASSION SEARCHES OUT THE DEPTH OF THE HUMAN HEART, WE THANK YOU FOR OUR UNIQUE OPPORTUNITY TO LIVE, FOR THIS RE-OPENING OF OUR DELIBERATIONS, FOR THIS CHANCE TO ARGUE AND CONVERSE, TO RESEARCH AND RETORT, TO COMPROMISE AND DECIDE. IN THE MIDST OF THE PRESSURE OF THESE DAYS, KEEP US CLOSE TO YOUR SPIRIT OF TRUTH, SO THAT, WHEN PROSPECTS SEEM PARTICULARLY GRIM, WE MAY LOSE NEITHER THE VISION TO HOPE NOR THE COURAGE TO ACT. KEEP US CLOSE TO YOUR SPIRIT OF TRUTH SO THAT WE MAY UNDERSTAND OURSELVES AS YOU ALREADY UNDERSTAND US. AMEN."

**MOTION**

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

**MESSAGE FROM PACIFIC COUNTY  
BOARD OF COMMISSIONERS**

March 13, 1977.

HONORABLE GOVERNOR DIXY LEE RAY  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON

HONORABLE GOVERNOR RAY:

The Board of Pacific County Commissioners, meeting in Joint Session with the Board of Grays Harbor County Commissioners, has selected a Democratic Candidate from the 19th Legislative District to fill the Senate seat left vacant by the resignation of Robert Bailey.

By unanimous vote, Carol Monohon has been appointed to the Senate seat for the 19th Legislative District, for the unexpired term.

A certified copy of the minutes of the Joint Meeting is enclosed for your information.

With best personal regards,  
Board of County Commissioners  
Pacific County, Washington  
CLARA L. KOREVAAR, Chairman

BILL CROSSMAN, Commissioner  
 ELDRED PENTTILA, Commissioner.

ROBERT M. JOHNSON  
 County Auditor and Ex Officio  
 Clerk of the Board

BEFORE THE BOARD OF PACIFIC COUNTY COMMISSIONERS

March 13, 1977.

Minutes of the Board of Pacific County Commissioners' Special Meeting in Joint Session with the Board of Grays Harbor Commissioners at the V.F.W. Hall in Aberdeen, in conjunction with the Joint Democratic Central Committee Meeting for Grays Harbor and Pacific Counties. The purpose of the meeting being for the selection of a person to fill the vacancy in the position of Senator, 19th Legislative District, and the possible selection of a person to fill a vacancy in the House for the 19th District.

Grays Harbor Commissioner John Pearsall, as senior commissioner, called the meeting to order at 2:40 p.m., with Grays Harbor Commissioners Rolland Youmans and Mike Murphy, Pacific County Commissioners Bill Crossman, Eldred Penttila and Clara Korevaar present. Grays Harbor Auditor Bill Vogler, and Bob Johnson, Pacific County Auditor also present. Chairman Pearsall acknowledged receipt of the Central Committee nominees from Neale Chaney, State Chairman. Nominated for the Senate vacancy were Karin Koal, Carol Monohon, and Lone Williams. Commissioner Korevaar moved to appoint Carol Monohon to fill the unexpired term of Senator, 19th Legislative District. Motion seconded, and carried unanimously. Motion carried that the Auditors of the two counties certify the name to the Governor. Chairman Pearsall continued the meeting until 3:55 p.m.

Chairman Pearsall called the meeting back to order at 3:50 p.m. with all present. Chairman acknowledged receipt of the Central Committee Nominees for the House 19th District seat from Neale V. Chaney, State Chairman, as Carol Monohon would be resigning to accept the appointment to the Senate. Nominated were John Erak, Karin Koal and Lone Williams. Commissioner Penttila moved for a 10 minute recess and caucus. Upon opinion from Grays Harbor legal counsel, motion carried, and board recessed. Counsel stated that motion was in order, for point of discussion only.

Chairman Pearsall called the meeting back to order at 4:00 p.m., and asked Pacific County Auditor Bob Johnson to conduct a roll call vote of the Board. Roll call was as follows:

John Pearsall, John Erak; Rolland Youmans, John Erak; Mike Murphy, Karin Koal; Bill Crossman, John Erak; Eldred Penttila, John Erak; Clara Korevaar, John Erak.

Commissioner Murphy called for a unanimous ballot for John Erak, and the motion was carried unanimously, to appoint John Erak to the House seat being vacated by Carol Monohon. Motion carried to instruct the County Auditors to certify the name to the governor.

Meeting was adjourned sine die at 4:10 p.m.

Board of County Commissioners  
 Pacific County, Washington  
 CLARA KOREVAAR, Chairman  
 BILL CROSSMAN, Commissioner  
 ELDRED PENTTILA, Commissioner.

ROBERT M. Johnson  
 County Auditor and Ex Officio Clerk

GRAYS HARBOR COUNTY  
MESSAGE FROM BOARD OF COMMISSIONERS

March 13, 1977.

THE HONORABLE DIXY LEE RAY  
GOVERNOR, STATE OF WASHINGTON  
OLYMPIA, WASHINGTON

DEAR GOVERNOR RAY:

The Board of County Commissioners has today met in a special meeting with the Board of County Commissioners of Pacific County, and as prescribed by law has unanimously appointed Representative Carol Monohon to the vacated 19th Legislative District State Senator position.

We have also unanimously appointed John Erak to fill the 19th Legislative District Representative's position caused by the appointment of Representative Monohon to the State Senate position.

We have enclosed a copy of the minutes of the meeting as certified by our Auditor and Clerk of the Board covering the proceedings of our appointments.

ROLLAND "OMAR" YOUMANS, Chairman of the Board  
JOHN PEARSALL, Commissioner  
MIKE MURPHY, Commissioner.

MESSAGE FROM STATE DEMOCRATIC COMMITTEE

March 13, 1977.

TO: The Joint Boards of County Commissioners of Grays Harbor and Pacific Counties

DEAR CLARA AND GENTLEMEN:

The following persons are hereby nominated for the position of State Representative from the 19th Legislative District:

John Erak, Karin Koal, Ione Williams.

NEALE V. CHANEY, State Chairman.

BEFORE THE BOARD OF GRAYS HARBOR COUNTY COMMISSIONERS

The Commissioners met in special joint session with the Pacific County Commissioners in the V. F. W. Hall, Aberdeen, Washington on Sunday, March 13, 1977 at 2:40 p.m. All Commissioners and Auditor, Clerk of the Board, were present.

Commissioner Pearsall was selected temporary chairman.

Neale Chaney, State Chairman of the Washington State Democratic Committee, submitted the names of Karin Koal, Carol Monohon and Ione Williams as nominees for the vacated position of State Senator for the 19th Legislative District. Commissioner Korevaar made a motion to appoint Carol Monohon. There were no further recommendations. Motion made, seconded and passed to appoint Carol Monohon to the vacant 19th Legislative District State Senator's position.

Motion made, seconded and passed directing the Auditor to certify the appointment of Carol Monohon to the Governor of the State of Washington.

Meeting recessed at 2:45 p.m. and reconvened at 3:55 p.m.

Neale Chaney, State Chairman of the Washington State Democratic Committee, submitted the names of John Erak, Karin Koal and Ione Williams for the position of State Representative from the 19th Legislative District vacated due to the appointment of Representative Monohon to State Senate position.

Motion was made seconded and passed to caucus for ten minutes.

John Erak was appointed by roll call vote: Commissioner Murphy, Karin Koal; Commissioner Pearsall, John Erak; Commissioner Youmans, John Erak; Commissioner Crossman, John Erak; Commissioner Korevaar, John Erak; and Commissioner Pentilla, John Erak.

Commissioner Murphy moved a unanimous vote be cast for John Erak, seconded and passed.

Motion made, seconded and passed directing the Auditor to certify the appointment of John Erak to the Governor of the State of Washington.

Meeting recessed at 4:10 p.m. until Monday, March 14, 1977 at 10:00 a.m.

Approved by the Board of County Commissioners for Grays Harbor County, Washington, this 14th day of March, 1977.

JOHN PEARSALL, County Commissioner.

WILLIAM F. VOGLER

Auditor and Ex Officio Clerk of the Board

STATE OF WASHINGTON

County of Grays Harbor

I, William F. Vogler, Auditor of Grays Harbor County, State of Washington and ex officio Recorder of Deeds and other instruments, do hereby certify that I have compared the foregoing copy with the original Instrument as the same appears on file and of record in my office, and that the same is a true and perfect transcript of said original and of the whole thereof.

Witness my hand and official seal this 14th day of March, 1977.

WILLIAM F. VOGLER

Auditor of Grays Harbor County, Washington.

#### REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, this morning the Senate is very happy to welcome to the Senate the Honorable Carol Monohon, a young lady who has distinguished herself as a member of the House of Representatives and in addition to her many arduous duties, is also a student at the University of Puget Sound to achieve her ambition of becoming an attorney at law."

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee consisting of Senators Clarke, Marsh, Hayner and Walgren to escort the Honorable Carol Monohon to the rostrum.

The Honorable Hugh Rosellini, Justice of the Washington State Supreme Court, administered the oath of office to newly appointed Senator Carol Monohon, replacing Senator Robert C. Bailey, who resigned March 11, 1977.

#### WELCOME BY THE PRESIDENT

President Cherberg: "Members of the Senate, it is indeed a pleasure and a privilege to present to you at this time Senator Carol Monohon."

#### REMARKS BY SENATOR MONOHON

Senator Monohon: "Thank you. It is indeed a great honor to come over to the Senate from the House."

## REMARKS BY THE PRESIDENT

President Cherberg: "Thank you, Senator. Everyone joins in giving you our heartiest congratulations. It is certainly fitting and proper that we, at this time, present Senator Monohon's children who are seated in the south gallery.

"Would Bryon and Sharron Monohon please stand in order that you may be also acknowledged. Thank you very much."

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

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

## REPORTS OF STANDING COMMITTEES

March 9, 1977.

SENATE BILL NO. 2543, relating to highways (reported by Committee on Transportation):

Recommendation: That Substitute Senate Bill No. 2543 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 9, 1977.

SENATE BILL NO. 2544, relating to highways (reported by Committee on Transportation):

Recommendation: That Substitute Senate Bill No. 2544 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE GOVERNOR

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

Harley Eugene Kline was convicted on April 8, 1974, by the Washington County Circuit Court, Commonwealth of Virginia, for the crime of bigamy and was sentenced to a term of three years in the Virginia Penitentiary. On June 27, 1974, the execution of said sentence was suspended and Harley Eugene Kline was placed on probation for a period of three years under various terms and conditions set by the court. In December, 1974 he left Virginia and came to the State of Washington and has resided in this area since that time.

Harley Eugene Kline now stands charged with the crime of violation of the terms and conditions of his probation and the Governor of the Commonwealth of Virginia has sought to extradite him from the State of Washington by requisition dated October 27, 1975, and to have him returned to Virginia to serve his sentence.

Harley Eugene Kline has resisted such extradition and has petitioned for permission to remain in this state.

After a detailed consideration of the entire background in this case, my predecessor concluded that the best interests of Harley Eugene Kline, and the States of Washington and Virginia, would be best served by allowing him to remain in this state under special parole supervision in lieu of his extradition to the Commonwealth of Virginia.

The extradition request by the Commonwealth of Virginia was directed to be held in abeyance during a three-year period. In the event it is shown to my satisfaction or any succeeding Governor at any time during the three-year period that Harley Eugene Kline has violated any of the terms and conditions of his special parole, granted on August 2, 1976, the extradition request of the Commonwealth of Virginia may thereupon be granted and a Governor's warrant of arrest issued without prior notice or hearing.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

On the 8th day of December 1967, Augustus Wood was sentenced by the Superior Court of the State of Washington for King County, to a term of life imprisonment for the crime of Murder in the First Degree. He had served in excess of seven years at Washington State Penitentiary in Walla Walla where his conduct and record were exemplary. Because of the statutory minimum sentence provided in RCW Chapter 9.95, substantial additional incarceration would have been required before he would have been eligible for parole pursuant to the authority of the Board of Prison Terms and Paroles.

Petitions were received on behalf of Augustus Wood urging that his life sentence be commuted so he would be eligible for parole on the grounds that he was clearly able to assume a responsible role in society, was demonstrably rehabilitated, would not constitute a threat to other persons, and would not be benefited by further incarceration. The Board of Prison Terms and Paroles had reviewed his case and recommended to my predecessor that the life sentence be commuted.

All information available with respect to Augustus Wood was carefully reviewed and the recommendations of public officers who are knowledgeable of his present circumstances had been considered. My predecessor concluded that further incarceration of Augustus Wood was not in the best interest of society or himself.

On January 10, 1977, a commutation order was signed to commute the life sentence of Augustus Wood and authorize the Washington State Board of Prison Terms and Paroles to parole Augustus Wood subject to the complete control, supervision, and authority of said Board, which authority would include any and all action

deemed appropriate by the Board including the authority to revoke the parole and return Augustus Wood to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

Gerald Lee Albaugh was found guilty of Second Degree Burglary by the Superior Court of the State of Washington for Lewis County on April 25, 1963, and was sentenced to a term of not more than 15 years in the State Reformatory. Mr. Albaugh served 2 years at the Reformatory and was paroled on January 24, 1965. Subsequently, he violated parole and was returned to the Reformatory for a one-year period. In November 1972, Mr. Albaugh was released from parole and received a Final Discharge and Restoration of Civil Rights on March 5, 1974.

Gerald Albaugh has since maintained a record free of further arrests and for the past four years has been fully employed by the Centralia School District with an excellent work record. On October 29, 1975, he was granted a license to carry a concealed weapon by the Lewis County Sheriff's Office. His petition for a pardon is supported by numerous individuals in the community who have attested to his good character and standing, including the former Prosecuting Attorney for Lewis County who sought Mr. Albaugh's original conviction.

For these reasons, on January 10, 1977, Gerald Lee Albaugh was granted a pardon from that judgment and sentence of Second Degree Burglary entered on April 25, 1963 by the Superior Court of the State of Washington for Lewis County by my predecessor.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

Frank Carver Brooks was found guilty of Resisting Arrest by the District Court of the State of Washington for the City of Mount Vernon on June 23, 1955, and was sentenced to sixty days in the county jail. Fifty-six days of the sentence were suspended, accompanied by an order to pay costs. On February 18, 1962, Mr. Brooks was arrested for Public Intoxication and was fined \$25.00 by the District



Court of the State of Washington for the City of Lynnwood. There is no record of any felony convictions and Mr. Brooks has never lost his civil rights.

Since 1945, Frank Carver Brooks has been President of Frank Brooks Manufacturing Company in Bellingham, Washington. Mr. Brooks is a successful businessman and a responsible member of the community, volunteering his services to a wide variety of civic organizations. His petition for a pardon is supported by numerous individuals in his community who have attested to his good character and standing.

For these reasons, on January 10, 1977, Frank Carver Brooks was granted a pardon from that judgment and sentence of resisting arrest occurring on June 23, 1955, and the February 18, 1962 conviction of Public Intoxication, by my predecessor.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

On December 5, 1955, Robert J. O'Toole was sentenced by the United States District Court for Alaska to confinement in a federal penitentiary for a period of 15 years for the crime of murder. Article VI, Section 3 of the State Constitution, disqualifies a person convicted of a felony from voting in the State of Washington.

While the Board of Prison Terms and Paroles has the statutory authority to grant a restoration of civil rights to a person convicted of a felony under state law, it does not have such authority where a person is convicted under federal law.

I am advised that Robert J. O'Toole had conducted himself in a satisfactory and acceptable manner and had given such evidence as to justify the belief that he is trustworthy and reliable and that a restoration of his civil rights was appropriate.

On November 17, 1976, all civil rights and privileges forfeited by reason of his conviction were restored by my predecessor.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

Office of the Governor, March 10, 1977.

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

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Second Extraordinary Session of the Forty-fourth Regular Session of the Legislature.

On October 19, 1973, Bert Benjamin Ibsen was sentenced by the United States District Court for the Western District of Washington to confinement in a federal penitentiary for a period of five years for the crime of misappropriation of funds. Article IV, Section 3 of the State Constitution disqualifies a person convicted of a felony from voting in the State of Washington.

While the Board of Prison Terms and Paroles has the statutory authority to grant a restoration of civil rights to a person convicted of a felony under state law, it does not have such authority where a person is convicted under federal law. However, the Governor does have the authority to restore within this state the civil rights of a person convicted of a felony under federal law.

I am advised that Bert Benjamin Ibsen had conducted himself in a satisfactory and acceptable manner and had given such evidence as to justify the belief that he is trustworthy and reliable and that a restoration of his civil rights was appropriate.

On October 29, 1976, all civil rights and privileges forfeited by reason of his conviction were restored by my predecessor.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

#### MESSAGES FROM THE HOUSE

March 11, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 11, 1977.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 288,  
SUBSTITUTE HOUSE BILL NO. 294,  
HOUSE BILL NO. 306,  
HOUSE BILL NO. 313,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 323,  
ENGROSSED HOUSE BILL NO. 338,  
ENGROSSED HOUSE BILL NO. 358,  
HOUSE BILL NO. 376,  
SUBSTITUTE HOUSE BILL NO. 384,  
ENGROSSED HOUSE BILL NO. 390,  
SUBSTITUTE HOUSE BILL NO. 396,  
HOUSE BILL NO. 397,  
HOUSE BILL NO. 407,  
ENGROSSED HOUSE BILL NO. 409,  
HOUSE BILL NO. 413,  
ENGROSSED HOUSE BILL NO. 414,  
HOUSE BILL NO. 444,  
ENGROSSED HOUSE BILL NO. 445,  
HOUSE BILL NO. 484,  
HOUSE BILL NO. 500,  
HOUSE BILL NO. 503,  
HOUSE BILL NO. 573,  
HOUSE BILL NO. 613,  
HOUSE BILL NO. 635,  
HOUSE BILL NO. 661,  
HOUSE JOINT RESOLUTION NO. 6,  
HOUSE JOINT RESOLUTION NO. 7,

HOUSE JOINT RESOLUTION NO. 21,  
HOUSE CONCURRENT RESOLUTION NO. 4, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.

March 11, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 18,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 23,  
HOUSE BILL NO. 32,  
ENGROSSED HOUSE BILL NO. 38,  
ENGROSSED HOUSE BILL NO. 41,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 44,  
HOUSE BILL NO. 46,  
ENGROSSED HOUSE BILL NO. 47,  
HOUSE BILL NO. 49,  
SUBSTITUTE HOUSE BILL NO. 51,  
ENGROSSED HOUSE BILL NO. 59,  
HOUSE BILL NO. 64,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 68,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 70,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 71,  
ENGROSSED HOUSE BILL NO. 73,  
SUBSTITUTE HOUSE BILL NO. 79,  
ENGROSSED HOUSE BILL NO. 85,  
ENGROSSED HOUSE BILL NO. 98,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 100,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 102,  
ENGROSSED HOUSE BILL NO. 104,  
HOUSE BILL NO. 109,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 123,  
ENGROSSED HOUSE BILL NO. 129,  
HOUSE BILL NO. 130,  
HOUSE BILL NO. 143,  
SUBSTITUTE HOUSE BILL NO. 183,  
HOUSE BILL NO. 186,  
HOUSE BILL NO. 191,  
SUBSTITUTE HOUSE BILL NO. 194,  
HOUSE BILL NO. 195,  
HOUSE BILL NO. 199,  
SUBSTITUTE HOUSE BILL NO. 204,  
HOUSE BILL NO. 208,  
HOUSE BILL NO. 213,  
SUBSTITUTE HOUSE BILL NO. 217,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 227,  
HOUSE BILL NO. 229,  
ENGROSSED HOUSE BILL NO. 235,  
HOUSE BILL NO. 240,  
HOUSE BILL NO. 242,  
SUBSTITUTE HOUSE BILL NO. 255,  
ENGROSSED HOUSE BILL NO. 275,  
HOUSE BILL NO. 279,  
ENGROSSED HOUSE BILL NO. 280,

ENGROSSED HOUSE BILL NO. 285, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### POINT OF INQUIRY

Senator Cunningham: "On the letters of commutation, was the reading in full suspended only in the first or in all of them?"

#### REPLY BY THE PRESIDENT

President Cherberg: "In all of them, Senator Cunningham."

#### POINT OF INFORMATION

Senator Cunningham: "Mr. President, respecting the majority leader's request, would it be permissible simply to have the second paragraph read?"

The Senate complied with the request by Senator Cunningham and the paragraph was read to the members of the Senate.

#### MOTION

On motion of Senator Walgren, all bills on today's referral sheet will be referred to the committees indicated unless an objection is received by a member. These referrals will be made later today.

#### MOTION

At 12:24 p.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

#### MOTION

At 1:05 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 1:25 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2014.

#### THIRD READING

SENATE BILL NO. 2014, by Senators Wilson and Jones:  
Removing obsolete provisions of laws relating to Indians.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2014.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2014, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senators Matson, Talley—2.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2014, having received the 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. 2029, by Senators Beck and Washington (by American Revolution Bicentennial Commission request):

Abolishing the American revolution bicentennial commission of the State of Washington.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2029.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2029, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

SENATE BILL NO. 2029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, by Committee on Constitution and Elections (originally sponsored by Senators Beck and North):

Establishing procedures for organization of minor political parties.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2032.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2032, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Talley, Wanamaker, Washington, Wilson, Wojahn—31.

Voting nay: Senators Fleming, Francis, Goltz, Gould, Herr, McDermott, Newschwander, Ridder, Sellar, Van Hollebeke, von Reichbauer, Walgren—12.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, having received the 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. 2048, by Senators Day, von Reichbauer, Wanamaker and Talley:

Adding a public member to the cemetery board.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2048.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2048, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

SENATE BILL NO. 2048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2052, by Committee on Transportation (originally sponsored by Senators Odegaard, Wilson, Clarke and Guess):

Providing for highway permits and property taxes on mobile homes.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2052.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2052, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—41.

Voting nay: Senators Pullen, Washington—2.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

SUBSTITUTE SENATE BILL NO. 2052, having received the 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. 2055, by Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request):

Disestablishing the anti-monopoly board.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2055.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2055, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

SENATE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2057, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Bringing various laws dealing with motor vehicle operators into accord with current practices.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2057.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2057, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn—39.

Voting nay: Senators Odegaard, von Reichbauer, Washington, Wilson—4.

Excused: Senators Bluechel, Buffington, Grant, Matson, Scott, Woody—6.

ENGROSSED SENATE BILL NO. 2057, having received the 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. 2059, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget request):

Repealing certain obsolete laws relating to agricultural conservation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2059.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2059, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senator Sellar—1.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2062, by Senators Day and Jones:

Revising qualifications for health officers.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2062.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2062, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wojahn—36.

Voting nay: Senators Fleming, Herr, Odegaard, Pullen, Rasmussen, Talley, Washington, Wilson—8.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SENATE BILL NO. 2062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2063, by Committee on Ways and Means (originally sponsored by Senators Odegaard, Clarke, Donohue, Woody, Scott and Wilson) (by Legislative Budget Committee request):



Requiring fiscal impact statements on proposed legislation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2063.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2063, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SUBSTITUTE SENATE BILL NO. 2063, having received the 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. 2064, by Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request):

Deleting inactive committee on public employee bargaining.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2064.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2064, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2069, by Senators Goltz, Morrison, Fleming, Ridder, Sandison and North:

Establishing a youth service corps to promote youth employment and service to local communities.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2069.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2069, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SENATE BILL NO. 2069, having received the 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. 2080, by Senators Wilson, Bottiger, Bluechel, Hayner and Odegaard:

Exempting local government public safety voluntary services from the state minimum wage laws.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2080.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2080, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2080, having received the 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. 2097, by Senators Bausch, Woody and Murray (by Legislative Budget Committee request):

Deleting an obsolete restriction on employment of aliens.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2097.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2097, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon,

Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2108, by Senators Henry, Bailey, Morrison and Sellar (by Office of Community Development request):

Revising laws pertaining to metropolitan public transportation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2108.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2108, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SENATE BILL NO. 2108, having received the 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

REENGROSSED SUBSTITUTE SENATE BILL NO. 2112, by Committee on Local Government (originally sponsored by Senators Wilson, Sellar and Henry):

Modifying civil service appointment procedures for sheriffs' offices and authorizing unclassified positions.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 2112.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2112, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker—38.

Voting nay: Senators Goltz, Pullen, Talley, Washington, Wilson, Wojahn—6.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

REENGROSSED SUBSTITUTE 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.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2113, by Committee on Higher Education (originally sponsored by Senator Washington):

Authorizing resident tuition and fee rates at institutions of higher education to certain nonimmigrant alien families.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2113.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2113, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Henry, Herr, Keefe, Mardesich, McDermott, Monohon, Murray, North, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Washington, Wojahn—31.

Voting nay: Senators Clarke, Cunningham, Hayner, Jones, Lewis, Marsh, Matson, Morrison, Newschwander, Odegaard, Pullen, Van Hollebeke, Wanamaker—13.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2115, by Committee on Education (originally sponsored by Senators McDermott, Donohue, Buffington, Fleming and Francis):

Appropriating funds for desegregated purposes to a school district with an enrollment of 50,000 pupils.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2115.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2115, and the bill failed to pass the Senate by the following vote: Yeas, 17; nays, 24; absent or not voting, 3; excused, 5.

Voting yea: Senators Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Keefe, Marsh, Monohon, Murray, North, Ridder, Sellar, Walgren, Washington, Wilson—17.

Voting nay: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Guess, Hayner, Jones, Lewis, Mardesich, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wojahn—24.

Absent or not voting: Senators Henry, Herr, Sandison—3.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SUBSTITUTE SENATE BILL NO. 2115, having failed to receive the constitutional majority, was declared lost.

### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Newschwander served notice that he would, on the next working day, move for reconsideration of the the failure of Substitute Senate Bill No. 2115 to pass the Senate.

### THIRD READING

SENATE BILL NO. 2116, by Senators Henry, Talley, Washington and Sellar: Permitting certain PUD's to have sewage districts without reference to a water system.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2116.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2116, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2116, having received the 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

REENGROSSED SENATE BILL NO. 2119, by Senators Odegaard, Donohue, Bailey, Wilson, Walgren, Guess, Scott, Rasmussen, Sandison and Goltz:

Establishing a procedure for review of administrative rules by an appropriate legislative committee.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 2119.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2119, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgrén, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senator Francis—1.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

REENGROSSED SENATE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2122, by Senators Van Hollebeke and Jones:

Providing for enforcement of foreign judgments.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2122.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2122, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senator Rasmussen—1.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SENATE BILL NO. 2122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2129, by Committee on State Government (originally sponsored by Senators Walgren, Clarke, Rasmussen and Wilson):

Requiring a statement of purpose and other information to accompany agency rules.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2129.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2129, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2156, by Senators Day, Woody, McDermott, Sellar and Francis:

Permitting certain corporations of health care professionals to act as self-insurers against liability.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2156.

## 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, 43; nays, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senator Clarke—1.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

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.

## THIRD READING

SENATE BILL NO. 2158, by Senators Francis, Clarke, Woody and McDermott:

Requiring promises of health care cures to be in writing to be valid.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2158.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2158, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—41.

Voting nay: Senators Ridder, Van Hollebeke, Washington—3.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SENATE BILL NO. 2158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2159, by Senators Woody, Clarke, Day, Sellar and Hayner:

Permitting a counterclaim for malicious prosecution in the principal action.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2159.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2159, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senators Francis, Van Hollebeke—2.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

ENGROSSED SENATE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 2169, by Committee on Natural Resources (originally sponsored by Senators Talley and Peterson):

Amending law authorizing disposal of gravel and sand from state shorelands onto private property.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2169.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2169, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Bluechel, Buffington, Grant, Scott, Woody—5.

SUBSTITUTE SENATE BILL NO. 2169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2172, by Senators Talley, Day and Buffington:

Licensing acupuncturists.



## MOTION

Senator Cunningham moved that Engrossed Senate Bill No. 2172 be returned to second reading for the purpose of amendment.

Senator Talley objected.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 2620.

## THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620, by Committee on Ways and Means (originally sponsored by Senators Benitz and Morrison):

Granting emergency powers to the department of ecology because of the impending drought.

## MOTIONS

On motion of Senator Gaspard, Engrossed Second Substitute Senate Bill No. 2620 was returned to second reading.

The Secretary commenced reading an amendment by Senators Gaspard, Bottiger, Benitz, Morrison and Washington.

Senator Mardesich objected and moved that Engrossed Second Substitute Senate Bill No. 2620 be considered later today.

At 2:30 p.m., Senator Walgren moved the Senate adjourn.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 28.

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

## MOTION

On motion of Senator Walgren, all bills and resolutions on the referral list were made as indicated with the exception of House Bill No. 235, which was referred to the Committee on State Government.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 18, by Representatives Sherman, Knedlik and North:  
Adding municipal gasworks to utilities that can get lien for unpaid bill.  
Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, by Committee on Social and Health Services (originally sponsored by Representatives Valle, Burns, Charnley, Craswell, Erickson, Fischer, Grimm, Grueger, Hawkins, Kreidler, Maxie, Paris, Pruitt, Sanders and Whiteside):

Establishing a dental disciplinary board.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 32, by Representatives Warnke, Valle and Conner:  
Redefining the term "regular property taxes" for port districts.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 38, by Representatives Hanna and Conner:  
Including the Washington state patrol under the public employee collective bargaining laws.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 41, by Representatives Hurley (Margaret), Lee and North:

Providing mounted rangers to two state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44, by Committee on Parks and Recreation (originally sponsored by Representatives Hurley (Margaret), North, Paris and Lee):

Establishing moorage fees in marine state parks.

Referred to Committee on Parks and Recreation.

HOUSE BILL NO. 46, by Representatives Clemente, Lux and Fischer:

Authorizing adjustments of workmen's compensation payments.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 47, by Representatives Heck, King, Hawkins, Burns and Nelson (Dick):

Allowing persons to register and vote by absentee ballot during the thirty days immediately preceding an election.

Referred to Committee on Rules II,

HOUSE BILL NO. 49, by Representatives Clemente, Lux, King, Gruger and Knedlik:

Changing the term "workman" to "worker" throughout the state industrial insurance laws.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 51, by Committee on Labor (originally sponsored by Representatives King, Charnley, Fischer, Burns and Pruitt):

Defining preschool for purposes of the state unemployment compensation laws.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 59, by Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino:

Providing for collective bargaining at the state institutions of higher education.

Referred to Committee on Labor.

HOUSE BILL NO. 64, by Representatives Nelson (Gary), Ehlers, Knedlik, Lee, May, Polk, Sanders, Struthers and Taller:

Abolishing inactive or obsolete boards and commissions.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, by Committee on State Government (originally sponsored by Representatives Ehlers, Sommers, Nelson (Gary) and North):

Expanding the cemetery board and providing for its abolition in 1979.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, by Committee on State Government (originally sponsored by Representatives O'Brien, Nelson (Gary), Ehlers, Burns, Greengo, Knedlik and Lysen) (by Executive Request of Governor Ray):

Providing for an office and advisory council on archaeology and historic preservation.

Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 71, by Committee on Revenue (originally sponsored by Representatives Sommers, Zimmerman, Burns, Charnley and Greengo) (by Executive Request of Governor Ray):

Authorizing property tax exemption for improvements to historic sites or structures.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 73, by Representatives Ehlers, Nelson (Gary), Bauer and Burns:

Implementing law relating to state agency housing.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 79, by Committee on Local Government (originally sponsored by Representatives Erickson and Knedlik):

Permitting large counties to have five county commissioners.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 85, by Representatives Fischer, Pearsall and King:

Including certain law enforcement and court personnel under the public employee collective bargaining laws.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 98, by Representatives Bauer, Charnley, Douthwaite, Kilbury, Lee, Lysen, Smith and Nelson (Gary):

Establishing thermal performance standards for new dwellings.

Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 100, by Committee on Insurance (originally sponsored by Representatives North and Smith):

Requiring under certain conditions, reimbursement for cost of a loaner vehicle when owner's vehicle is destroyed.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 102, by Committee on Revenue (originally sponsored by Representatives McKibbin, Nelson (Gary) and Sommers):

Providing for highway permits and property taxes on mobile homes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 104, by Representatives King, Berentson, Conner, Erickson, Fortson, Grier, Hansen, Knedlik, Kreidler, Moreau, North, Owen, Pearsall, Sherman, Shipoch, Struthers, Vrooman and Walk:

Exempting volunteer firemen from the state minimum wage act.

Referred to Committee on Local Government.

HOUSE BILL NO. 109, by Representatives Conner, McCormick, Patterson and Knedlik (by Department of Motor Vehicles request):

Repealing a provision of the Financial Responsibility law declared unconstitutional by the U.S. Supreme Court.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 123, by Committee on Higher Education (originally sponsored by Representatives Charnley, Owen, Moreau, Burns, Gruger, Knedlik, Lux, Salatino and Vrooman):

Making unlawful the commercial selling of term papers, theses or other work assignments utilized for postsecondary education purposes.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 129, by Representatives Amen, Flanagan, Shinpoch, Tilly, Thompson, Polk, Knedlik, Bond, Clayton, Fuller, Greengo, Lee, Sanders, Taller and Zimmerman:

Requiring fiscal impact statements on proposed legislation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 130, by Representatives Erickson, Clemente, Lux, Chandler, Gaines, Grier, Grimm, Heck, Lee, Sherman and Walk:

Exempting fire districts from the 106 percent property tax limitation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 143, by Representatives Shinpoch, Flanagan, Polk and Taller (by Legislative Budget Committee request):

Deleting an obsolete restriction on employment of aliens.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 183, by Committee on Judiciary (originally sponsored by Representatives Smith, Knowles, Enbody, Knedlik and Hanna):

Establishing procedures for guardianship of disabled persons.

Referred to Judiciary Committee.

HOUSE BILL NO. 191, by Representatives Shinpoch, Knowles, Smith, Leckenby, Winsley and Knedlik:

Authorizing certain court proceedings in marriage dissolution cases to be expedited.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 194, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Extending the definition of the "funds" of a mutual savings bank.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 195, by Representatives Shinpoch, Warnke, Charnley, Hughes and Knedlik (by Office of Program Planning and Fiscal Management request):

Extending time bonds of the Washington Futures Program of 1972 may be issued.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 199, by Representatives Sommers, Nelson (Dick), Knedlik and Lux:

Allowing the state fire marshal access to criminal offender record information.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 204, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Heck, Barnes, Burns, Charnley and Sherman):

Making punchcard voting more efficient and certain.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 208, by Representatives Smith, Salatino, Knedlik, Erickson, Nelson (Gary), North, Erbody and Leckenby:  
 Providing attorney's fees for the prevailing party in contract and lease dispute.  
 Referred to Judiciary Committee

HOUSE BILL NO. 213, by Representatives Shinpoch, Knedlik and Vrooman:  
 Requiring the school directors' association to mark its vehicles in conformance with state law.  
 Referred to Committee on Rules II.

SUBSTITUTE HOUSE BILL NO. 217, by Committee on Insurance (originally sponsored by Representatives Charnley, Newhouse, Knowles, Knedlik, Monohon and Grier):

Increasing insurance coverage required for auto transportation companies to obtain certificate of operation.  
 Referred to Committee on Rules II.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 227, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Nelson (Dick), Lysen, Burns, Fortson, Heck, Lux and Pruitt):

Establishing postcard voter registration.

Referred to Committee on Rules II.

HOUSE BILL NO. 229, by Representative Hurley (Margaret) (by Parks and Recreation Commission request):

Permitting longer concessions and leases in state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE BILL NO. 235, by Representatives Shinpoch, Polk and Thompson (by Legislative Budget Committee to Implement Performance Audit Recommendations request):

Amending laws relating to public printing.

Referred to Committee on State Government.

HOUSE BILL NO. 242, by Representative Hanna:

Deleting minimum requirement for instruction at cosmetology school.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 255, by Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson):

Granting irrigation and port districts the power to designate their own treasurers.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 275, by Representatives Martinis, Wilson and Moreau:

Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

Referred to Committee on Natural Resources.

HOUSE BILL NO 279, by Representatives Martinis, Wilson and Moreau:

Allowing the director of game to determine the time and place of the drawing in special hunting seasons.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 285, by Representatives O'Brien and Hurley (Margaret):

Renaming Sun Lakes State Park to Victor Aloysius Meyers State Park.

Referred to Committee on Parks and Recreation.

SUBSTITUTE HOUSE BILL NO. 288, by Committee on Judiciary (originally sponsored by Representatives Hanna, Knowles, Smith and Haley):  
Changing certain terms and provisions of the civil commitment law.  
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 294, by Committee on Ecology (originally sponsored by Representatives Zimmerman, Heck and Bauer):  
Authorizing historical buildings to be an exception to antipollution laws.  
Referred to Committee on Rules II.

HOUSE BILL NO. 306, by Representative Nelson (Gary):  
Repealing comic book laws.  
Referred to Committee on Commerce.

HOUSE BILL NO. 313, by Representatives Knowles, Haley, McKibbin and Vrooman:

Relieving from liability hospitals and certain professionals for withdrawing blood when so directed by law enforcement officer pursuant to implied consent law.  
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, by Committee on Financial Institutions (originally sponsored by Representatives Sommers, Pardini, Eng, Polk, Burns, Deccio, Lux, Douthwaite, Taller, O'Brien and Maxie):  
Regulating lending practices of financial institutions.  
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 338, by Representative Eng:  
Providing for the removal of bank officers and bank cease and disist orders by the supervisor.  
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 358, by Representatives Clemente, Barnes, Heck and Kreidler:  
Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.  
Referred to Committee on Education.

HOUSE BILL NO. 376, by Representative Martinis:  
Removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California.  
Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 384, by Committee on Financial Institutions (originally sponsored by Representatives Eng, Fischer and Vrooman):  
Providing for the confidentiality of examination reports of financial institutions.  
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 390, by Representatives Berentson, Kilbury and Newhouse:  
Fixing the rate of repaying damage to animals caused by dogs.  
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 396, by Committee on Judiciary (originally sponsored by Representatives Tilly and Smith) (by Judicial Council request):  
Pertaining to selection of jurors.  
Referred to Judiciary Committee.

HOUSE BILL NO. 397, by Representatives Tilly and Smith (by Judicial Council request):

Implementing code of responsibility criteria in awarding reasonable attorney's fees in eminent domain cases.

Referred to Judiciary Committee.

HOUSE BILL NO. 407, by Representatives Enbody, Monohon and Smith (by Judicial Council request):

Modifying the fee for a writ of garnishment.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 409, by Representatives Knowles, Tilly and Smith (by Judicial Council request):

Eliminating exemptions from jury service.

Referred to Judiciary Committee.

HOUSE BILL NO. 413, by Representatives Knedlik, Knowles and Enbody (by Judicial Council request):

Increasing witness fees.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 414, by Representatives Tilly and Smith (by Judicial Council request):

Modifying the collection of jury costs.

Referred to Judiciary Committee.

HOUSE BILL NO. 444, by Representatives Conner, Charnley, Lux and Grier:

Increasing parents' liability for property damage caused by their children to \$3,000.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 445, by Representatives Smith, Enbody and Leckenby:

Revising law relating to eminent domain.

Referred to Judiciary Committee.

HOUSE BILL NO. 484, by Representatives Sommers, Flanagan and Sherman:

Regulating the retail sale of frozen fish and shellfish.

Referred to Committee on Rules II.

HOUSE BILL NO. 500, by Representatives Sommers and Knedlik (by Department of Revenue request):

Making general procedural and housekeeping changes in the excise tax laws.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 503, by Representatives Sommers and Knedlik (by Department of Revenue request):

Providing for the collection of use taxes on aircraft by the department of motor vehicles.

Referred to Committee on Rules II.

HOUSE BILL NO. 573, by Representatives Charette and Shinpoch:

Appropriating funds for session law publication.

Referred to Committee on Rules II.

HOUSE BILL NO. 613, by Representatives Sommers and Nelson (Gary) (by Department of Revenue request):

Repealing property tax revaluation ratio procedures.

Referred to Committee on Rules II.

HOUSE BILL NO. 635, by Representatives Enbody, Knowles, Monohon, Knedlik, Grier, McCormick and Hughes:

Defining what persons are lawfully on the property of another for the purposes of determining liability for dog bites.

Referred to Judiciary Committee.

HOUSE BILL NO. 661, by Representative Douthwaite:

Permitting policy owners to return disability insurance policies within ten days.

Referred to Committee on Financial Institutions and Insurance.

HOUSE JOINT RESOLUTION NO. 6, by Representatives King, Fortson, Burns, Charnley, Grier, Knowles, Lux, Maxie, McCormick, Douthwaite, Eng, Gaines, Gruger, Hawkins, Lysen, Nelson (Dick), North, Pruitt and Whiteside:

Placing a proposition for a constitutional convention before the voters.

Referred to Committee on Constitution and Elections.

HOUSE JOINT RESOLUTION NO. 7, by Representatives King, Fortson, Charnley, Grier, Hughes, Knowles, Lee, Lux and McCormick:

Permitting Constitutional amendments to contain several sections on one subject.

Referred to Committee on Rules II.

HOUSE JOINT RESOLUTION NO. 21, by Representatives Fortson, Patterson and Sommers (by State Auditor request):

Amending the Constitution to allow audits of the judicial branch.

Referred to Committee on Constitution and Elections.

HOUSE CONCURRENT RESOLUTION NO. 4, by Representatives Sherman and North:

Directing that the next state ferry be named the "Issaquah".

Referred to Committee on Rules II.

#### MOTION

The motion by Senator Walgren carried and at 2:33 p.m., the Senate adjourned until 10:00 a.m., Tuesday, March 15, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 15, 1977.

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 Buffington, Francis, Wojahn and Woody. On motion of Senator Jones, Senator Buffington was excused. On motion of Senator Odegaard, Senators Francis, Wojahn and Woody were excused.

The Color Guard, consisting of Pages Tim Dore and Susan Durning, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD IN WHOSE GREATNESS WE REALIZE OUR FINITENESS, WE ASK YOUR PRESENCE WITH US THIS DAY AS WE BEGIN AGAIN OUR DELIBERATIONS. WE ARE STRONG, BUT WE SENSE THAT THE ISSUES BEFORE US EXCEED THE GRASP OF OUR STRENGTH. WE ARE INTELLIGENT, O GOD, BUT SENSE THAT THE COMPLEXITIES OF THE DILEMMAS SURMOUNT OUR WISDOM. WE ARE COMMITTED, YET FIND OURSELVES IN A SWIRL OF CONFLICTING OPINION AND INTERESTS. AND SO WE PAUSE, TO CENTER OURSELVES IN YOUR QUIETNESS. MAY THE STILL POINT WHICH, IN THE BEGINNING, ORDERED AND CHAOS, ORDER OUR LIVES THIS DAY. AMEN."

### MOTION

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

### REPORT OF STANDING COMMITTEE

March 15, 1977.

SENATE BILL NO. 2570, providing for a school facilities cost stabilization program (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray, Washington.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

March 14, 1977.

Mr. President: The Speaker has signed: SENATE CONCURRENT RESOLUTION NO. 114, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

MESSAGES FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

March 14, 1977.

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

LADIES AND GENTLEMEN:

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

Mrs. Dee Pedersen, appointed to the Board of Trustees for the Highline Community College, District No. 9, for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

March 14, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Jo Ann Schirmer, appointed to the Board of Trustees for the Walla Walla Community College, District No. 20, for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

March 14, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Robert M. Ford, appointed to the Board of Tax Appeals for a term beginning March 8, 1977 and ending March 1, 1983.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Ways and Means.

March 10, 1977.

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

LADIES AND GENTLEMEN:

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

Robert C. Bailey, appointed March 11, 1977, for a term ending January 1, 1983 as Chairman of the Utilities and Transportation Commission.

Sincerely,  
 DIXY LEE RAY  
 Governor.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of the appointment of Robert C. Bailey.

## MOTION

Senator Walgren moved the appointment of Robert C. Bailey as Chairman of the Utilities and Transportation Commission be confirmed.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I know that this procedure is somewhat out of order. Ordinarily we would send these particular confirmations directly to committee. However, we have in the past, particularly with those who have been closely associated with us on the floor of this Senate, immediately taken action to act upon their confirmation. So it is with Senator Bailey.

"We had the opportunity last week to hear from a number of us on the floor with regard to the qualifications of Senator Bailey, and I need not reiterate them now. I think of course, that you will all agree with me that he is fully qualified to assume this responsible position on the public utility commission. He will be an outstanding member of that commission and one that we can be justly proud as coming from our ranks of the Senate.

"I urge his confirmation."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. We would also like to join in support of the immediate confirmation of Senator Bailey.

"It is seldom that we have the opportunity of being so well advised of the qualifications of an appointee as we have with respect to Senator Bailey, and it would simply be prolonging the time to go into the various reasons why it should be confirmed, and I think that there is no other reasonable course than immediate confirmation."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Seriously, on a serious vein, we already started doing some preliminary checks. There is absolutely nothing adverse that anybody can find about Senator Bailey, in addition to the obvious knowledge of all the members of the Senate. I know of no reason to delay the process by sending it to committee."

The motion of Senator Walgren carried and the Senate confirmed the appointment of Robert C. Bailey as Chairman of the Utilities and Transportation Commission.

## APPOINTMENT OF ROBERT C. BAILEY

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

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Buffington, Francis, Wojahn, Woody—4.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3000, by Senators Rasmussen and Newschwander:

AN ACT Relating to shoreline management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.030.

Referred to Committee on Ecology.

SENATE BILL NO. 3001, by Senators Herr and Bausch:

AN ACT Relating to commerce and economic development; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce.

## MOTION

On motion of Senator Herr, Senator Bausch was permitted as an additional sponsor to Senate Bill No. 3001.

SENATE BILL NO. 3002, by Senators McDermott and Bluechel:

AN ACT Relating to scenic rivers; and adding a new chapter to Title 79 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 3003, by Senators Gaspard and Ridder:

AN ACT Relating to consumer commodities; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture.

SENATE BILL NO. 3004, by Senators Francis, Marsh and Walgren:

AN ACT Relating to the judicial council; and amending section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 18, Laws of 1973 and RCW 2.52.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3005, by Senator Rasmussen:

AN ACT Relating to food fish and shellfish; amending section 1, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.083; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3006, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3007, by Senator Herr:

AN ACT Relating to family farms and water resources; amending section 83.16.010, chapter 15, Laws of 1961 and RCW 83.16.010; adding a new section to chapter 49.17 RCW; adding a new section to chapter 83.16 RCW; adding a new section to Title 84 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 90 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 3008, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3009, by Senator Peterson:

AN ACT Relating to park and recreation districts; amending section 36.69-.140, chapter 4, Laws of 1963 as last amended by section 40, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.69.140; and declaring an emergency.

Referred to Committee on Parks and Recreation.

## MOTION

At 10:24 a.m., on motion of Senator Walgren, the Senate recessed until 11:41 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:41 a.m.

## MOTION

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

## SECOND READING

SENATE BILL NO. 2189, by Senators Guess, Benitz, Henry, Hayner and Donohue:

Adopting the international registration plan.

The bill was read the second time by sections.

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

On page 1, line 2 of the title, after "plan;" strike "and" and after "RCW" insert ": and shall make an effective date"

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

On page 15, line 23, after "RCW" insert "; and shall take effect on January 1, 1979"

On motion of Senator Beck, Engrossed Senate Bill No. 2189 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Beck yield to a question? Senator Beck, you mentioned twenty-three other states. I would like to ask the question whether the province of British Columbia is also included as one of the participating reciprocal provinces."

Senator Beck: "I would refer that question to Senator Guess who is the prime sponsor of the bill."

Senator Guess: "Mr. President, Senator Goltz, there are several provinces looking at this. None of them to my knowledge have passed the necessary legislation. They do sit in with the American motor vehicle administrators and we will have a report on this in May down at Denver as to whether or not any of the provinces has come in. It will be possible for them to do so though."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2189, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Absent or not voting: Senators Fleming, Scott—2.

Excused: Senators Buffington, Francis, Wojahn, Woody—4.

ENGROSSED SENATE BILL NO. 2189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2202, by Senators Donohue and Odegaard (by Department of Natural Resources request):

Regulating funds and properties managed by the department of natural resources.

The bill was read the second time by sections.

On motion of Senator Peterson, Senate Bill No. 2202 was advanced to third reading, the second 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. 2202, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator McDermott—1.

Absent or not voting: Senators Fleming, Morrison—2.

Excused: Senators Buffington, Francis, Wojahn, Woody—4.

SENATE BILL NO. 2202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2339, by Senators Cunningham, Mardesich, Rasmussen and Guess:

Prescribing rights of private property owners.

### MOTION

On motion of Senator Marsh, Senate Bill No. 2339 was ordered to hold its place on the second reading calendar for March 16, 1977.

### MOTION

On motion of Senator Odegaard, Senator Fleming was excused.

### SECOND READING

SENATE BILL NO. 2199, by Senator Lewis:

Making more specific the degree of alcoholism which prevents a person from getting a driver's license.

## REPORT OF STANDING COMMITTEE

February 21, 1977.

SENATE BILL NO. 2199, making more specific the degree of alcoholism which prevents a person from getting a driver's license (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 19, after "or" strike all of the material down to and including "vehicle))" on line 22 and insert ") (a) is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle; or (b)"

Signed by Senators Henry, Chairman; Beck, Vice Chairman, Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Lewis, Engrossed Senate Bill No. 2199 was advanced to third reading, the second 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. 2199, and the bill passed the Senate by the following vote: Yeas, 44, excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2165, by Senators Woody, Donohue, Scott, Odegaard and Clarke (by Legislative Budget Committee request):

Amending law relating to public printing.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2165 was rereferred to the Committee on Rules.

## MOTION

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

## THIRD READING

ENGROSSED SENATE BILL NO. 2172, by Senators Talley, Day and Buffington:

Licensing acupuncturists.

The Senate resumed consideration of Engrossed Senate Bill No. 2172. On March 14, 1977, Senator Cunningham had moved that Engrossed Senate Bill No. 2172 be returned to second reading.

Debate ensued.

Senator Peterson moved the motion by Senator Cunningham be laid upon the table.

The motion by Senator Peterson failed on a rising vote.

Further debate ensued.

The motion by Senator Cunningham carried and Engrossed Senate Bill No. 2172 was returned to second reading.

Senator Cunningham moved adoption of the following amendment:

On page 1, lines 23 and 24 of both the printed and engrossed bills, strike "and organic"

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2174 on third reading.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2174, by Senators Van Hollebeke, Talley and North:

Raising the per diem compensation for members of boards of water commissioners.

#### MOTION

On motion of Senator Talley, Engrossed Senate Bill No. 2174 was ordered to hold its place on the third reading calendar for March 16, 1977.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2175, by Senator Rasmussen:

Allowing beer and wine to be served in containers other than glasses or bottles.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2175.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2175 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2175, having received the 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. 2180, by Senators Bottiger and Benitz (by Utilities and Transportation Commission request):

Increasing the maximum limit for revenue of small water companies not subject to regulation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2180.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2180, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

SENATE BILL NO. 2180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

## MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2184 was ordered to hold its place on the third reading calendar for March 16, 1977.

## THIRD READING

ENGROSSED SENATE BILL NO. 2185, by Senators McDermott and Gould:

Permitting aliens to teach in the common school system.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2185.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2185, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—38.

Voting nay: Senators Guess, Pullen, Rasmussen, Sandison, Van Hollebeke—5.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2185, having received the 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. 2195, by Senators Woody, Clarke and Bottiger:

Authorizing notary stamps to be smaller or rectangular.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2195.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2195, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

SENATE BILL NO. 2195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2200, by Senators Sandison, Ridder and Odegaard (by Department of Natural Resources request):

Creating a resource management land bank.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2200.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2200, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Voting nay: Senator Pullen—1.

Excused: Senators Buffington, Fleming, Francis, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate immediately reconsider the vote by which the Senate failed to pass Substitute Senate Bill No. 2115 on March 14, 1977.

## POINT OF ORDER

Senator Clarke: "Thank you, Mr. President. The point of order I wish to raise is that Senator Newschwander was the one that gave notice of reconsideration, and my point is that he is the only person that can make the motion.

"I am quite aware, Mr. President, that rule 31 of the Senate rules provides that in such circumstances specifically that notice having been given, any member may then make the motion. However, we have been repeatedly informed by our majority leader that we are not operating under those rules. I look at Reed's and Reed's has no provision covering this particular situation.

"So, it is unthinking in reality, unthinkable really, that a body such as this should be proceeding without some sort of understandable rules. It is a precept of any kind of a parliamentary body that one of the first things that should be done is the adoption of reasonable rules and regulations.

"I think it is quite a tribute to our presiding officer that he has carried on this long a period, all through the regular session, and been able, in effect, to keep order in this body when the body has not been fit to let him know the rules which he is supposed to be enforcing.

"I, at this time, with due respect would like to raise the question as to what rules we are operating under. I am very apprehensive that the majority leader, in substance, is trying to perpetuate a situation where he calls upon the rules when it is to his benefit to do so, but when it is not to his benefit to do so, then he takes the position that we have no rules. Now, I submit that that is not something that can be permitted to go on in this particular body. We do have the right to know and have accentuated the rules under which we are operating.

"If we are operating under no rules at all, I submit that our majority leader can get in trouble when he gets into a dispute among some of his own people. Of course it is quite obvious to all of us that we operating under some sort of rules. We have motions to table. We have motions for reconsideration. We have dispensed with the Journal. We advance to certain orders of business, all of these kinds of things, but what rules are we operating under, Mr. President, in this connection?

"Now, it occurs to me that we can, in reality, be in one of two different situations. Either we are operating as most bodies do when there are no rules, you operate under the presumption that the rules applicable to the last convening of the body carry on unless and until new rules are operative. In substance I think that is what we have been doing in reality, and I think that if we are doing that, we then should have a firm understanding that that is what we are doing.

"We have also been purportedly operating under Reed's Rules, but the only reason we are doing that is because the rules of the previous session, in effect, say that as to matters not covered within those rules we then relate to Reed's.

"What I think, Mr. President, is and I make this point primarily for the purpose of obtaining a clarification for the body as to what kind of rules we are operating under here. I think every one of us has the right to be advised as to that. Either we are operating under the rules of the previous session, we are operating under

Reed's Rules or we are operating under no rules at all, and I submit that nobody of any parliamentary proceeding can operate without any rules whatsoever."

#### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, I think Senator Clarke is correct when he assumes, at least for most of the time, Senator Clarke, that we are operating under the rule of the majority. Of course, when that is the case, then we must revert and refer to the general rules of parliamentary law as it relates to the various motions and procedures that would be followed, and I think that those rules are generally set out and have been very capably interpreted by the presiding officer, as you have already noted.

"Of course, if your suggestion were to prevail, that is that only the maker of the motion for reconsideration could then perfect that motion it seems to me that we would have an intolerable situation for the minority because then the presiding officer very likely, were that to be the rule, would only be able and probably would only recognize the majority for making those types of motions. As a result, the minority would not have an opportunity, it seems to me, of being recognized very often.

"If we are able to proceed as we are doing so now, then of course, the minority is able to be recognized as is only proper, but the particular motion can be perfected by any member. Of course, I think that is the general rule of law when we do not, and have not, adopted any rules."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "In response. Mr. President, I want to point out that Senator Walgren has spoken only as to the logic of the proposed rule, and has done nothing whatsoever to assist us in clarification of knowing what rules we are operating under.

"What he has said in substance, if you listen to him carefully, is that we are simply operating under the rules that the majority may make as it goes along from time to time which leads us exactly to the opening statement that I made, and that was to the effect that he wants a situation where he can quote the rules where it is to his benefit to do so and where it is not to his benefit to do so, he can completely ignore any rules.

"If not, what then are the rules that he is bound by or that he is asking you as President to enforce? I submit that not only we, as the minority, but the public in general has the right to know the rules under which this Senate is being operated."

#### POINT OF INQUIRY

Senator Matson: "Mr. President, Senator Bailey is no longer here. Will Senator Walgren yield to a question? Senator Walgren, can you give us some indication as to whether the majority leader expects to have some rules within the next few weeks?"

Senator Walgren: "Senator, as you know, we have talked about the adoption of rules, as a matter of fact, very early in the session, and you and I and other members of the leadership of both parties sat down and drafted some rules. I think we were basically in agreement. We have not perfected those over the last several weeks because there did not appear to be any great need to do so. Apparently the minority is now requesting that there be rules. You are expecting some action, I take it, here in these next several weeks, that you would like to flex your muscles a little bit more, and certainly we would like to give you that opportunity.

"More importantly, perhaps, the Secretary of the Senate, Mr. Snyder, wants to get out the little red books, and he can't do so unless, of course, he has these rules adopted.

"At any rate, Senator Matson, I want you to be assured that the Democrats will certainly give full consideration to your request. I think it probably is appropriate that reasonable rules be adopted."

Senator Matson: "Senator Walgren, we would be only too happy to help you iron out those problems with the rules."

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point of order presented by Senator Clarke, agrees with one exception with every remark you made, Senator Clarke.

"The President has been trying to adhere to the rules adopted by the Senate for the 1975 session, and to date believes there has been only one instance where the Senate in its wisdom has violated those rules, and that was to the disadvantage of Senator Grant's position when reconsideration was taken upon the vote of a bill on the same day that the bill was considered upon the motion of reconsideration by Senator Newschwander.

"The President believes that in defense of fairness that rather than disenfranchise practically the entire Senate, that the President will entertain the motion by Senator McDermott that the Senate reconsider the vote by which Senate Bill 2115 was lost."

#### PARLIAMENTARY INQUIRY

Senator Clarke: "Do I understand correctly then, that unless and until we adopt some changes in the rules that the President will follow the rules of the preceding session."

#### REPLY BY THE PRESIDENT

President Cherberg: "To the best of his ability, Senator Clarke."

#### MOTION

On motion of Senator Ridder, the motion for reconsideration by Senator McDermott was ordered held for March 16, 1977.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1977-17.

#### MOTION

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

#### SENATE RESOLUTION 1977-17

By Senators Walgren, Rasmussen, Sellar, von Reichbauer and Jones:

WHEREAS, The Order of DeMolay is a character building organization of young men from thirteen to twenty-one years of age; and

WHEREAS, Members of the order are seeking to prepare themselves to become better citizens and leaders for tomorrow by developing those traits of character which have strengthened good men in all ages; and

WHEREAS, The order has carried out its goals for over fifty years through programs of athletic competition, social activity, civil service, and charitable projects; and

WHEREAS, The members of DeMolay chapters throughout the State of Washington will observe the year 1977 as the fifty-eighth anniversary of the order; and

WHEREAS, The week of March 14th through March 20th of this year, will be observed as "International DeMolay Week";

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that it does hereby salute the young men of the Order of DeMolay;

BE IT FURTHER RESOLVED, That the citizens of this state are hereby requested to duly note "International DeMolay Week" in order to insure the success of the commemoration;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably inscribed copy of this resolution to the Order of DeMolay.

#### MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, March 16, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

#### SIXTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 16, 1977.

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 Buffington, Fleming, Grant, Newschwander, Wojahn and Woody. On motion of Senator Jones, Senators Buffington and Newschwander were excused. On motion of Senator Odegaard, Senators Fleming, Grant, Wojahn and Woody were excused.

The Color Guard, consisting of Pages Sean Humphrey and Paige Enslow, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD OF ALL PEOPLE, HELP US TO FEEL WITH THE PEOPLE. BEHIND ALL THE FIGURES, FACTS, STATISTICS AND DATA, GIVE US THE VISION TO SEE THE CHILD WITH THE POTENTIAL TO GROW, THE WIDOW CAPTURED BY FORCES BEYOND HER CONTROL. THE FARMER STRUGGLING WITH SURVIVAL. HELP US TO FEEL YOUR PEOPLE. BENEATH ALL THE PAPERS, REPORTS, RECOMMENDATIONS, LET US NOT LOSE THE PERSONAL, THE HUMAN YEARNINGS, THE FRUSTRATED HOPES, THE CRUSHED DREAMS OF FLESH AND BLOOD BODIES AND HEARTS AND MINDS. HELP US FEEL YOUR PEOPLE.

"BEYOND THE DEALS AND DEALINGS, BEHIND THE MASKS OF POWER AND PRETENSE, GIVE US EARS TO HEAR THE UNACKNOWLEDGED HURTS, THE DESPERATE LONGS, THE UNSPOKEN HUNGERS. THE SPIRITUAL GUESTS OF OUR FELLOW COLLEAGUES GATHERED HERE. LORD GOD, LET US FEEL YOUR PEOPLE, LET US SENSE YOUR VERY PERSONAL PRESENCE. AMEN."

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 15, 1977.

SENATE BILL NO. 2574, changing the procedure for complaints against contractors or operators of water wells, (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, North, Ridder.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

March 15, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 165,

SECOND SUBSTITUTE HOUSE BILL NO. 251,

ENGROSSED HOUSE BILL NO. 287,

ENGROSSED HOUSE BILL NO. 301,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 340,

ENGROSSED HOUSE BILL NO. 357,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 2245, by Committee on Education (originally sponsored by Senators McDermott, Walgren, Ridder, Buffington and Herr):

Implementing law relating to contract rights of employees in the common schools.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2245 was ordered to hold its place on the third reading calendar for March 17, 1977.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 15, 1977.

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

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

Mr. William F. Johnston, appointed to the Board of Trustees for the Skagit Valley Community College, District No. 4, for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 15, 1977.

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

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

Dr. William J. Scheyer, appointed to the Board of Trustees for the Peninsula Community College, District No. 1, for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 15, 1977.

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

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

Mrs. Gertrude H. Reavis, appointed to the State Board of Pharmacy for a term beginning March 8, 1977 and ending January 18, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

March 15, 1977.

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

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



Ms. Phyllis Goldschmid, appointed to the Board of Trustees for the Olympic Community College, District No. 3, for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3010, by Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the tort claims revolving fund; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3011, by Senators Talley and Morrison:

AN ACT Relating to explosives; amending section 1, chapter 111, Laws of 1931 as last amended by section 5, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.010; amending section 11, chapter 111, Laws of 1931 as last amended by section 13, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.110; amending section 12, chapter 111, Laws of 1931 as last amended by section 14, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.120; amending section 3, chapter 101, Laws of 1941 as amended by section 16, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.130; and amending section 30, chapter 137, Laws of 1969 ex. sess. as amended by section 6, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.340.

Referred to Committee on Labor.

SENATE BILL NO. 3012, by Senator Talley:

AN ACT Relating to animal racing; adding a new chapter to Title 67 RCW; repealing section 1, chapter 55, Laws of 1933, section 1, chapter 236, Laws of 1949, section 1, chapter 22, Laws of 1969 and RCW 67.16.010; repealing section 2, chapter 55, Laws of 1933, section 1, chapter 233, Laws of 1969 ex. sess., section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012; repealing section 3, chapter 55, Laws of 1933 and RCW 67.16.015; repealing section 2, chapter 233, Laws of 1969 ex. sess., section 155, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.16.017; repealing section 4, chapter 55, Laws of 1933 and RCW 67.16.020; repealing section 5, chapter 55, Laws of 1933 and RCW 67.16.040; repealing section 6, chapter 55, Laws of 1933, section 1, chapter 39, Laws of 1973 1st ex. sess. and RCW 67.16.050; repealing section 7, chapter 55, Laws of 1933 and RCW 67.16.060; repealing section 8, chapter 55, Laws of 1933, section 2, chapter 236, Laws of 1949 and RCW 67.16.070; repealing section 3, chapter 236, Laws of 1949, section 2, chapter 22, Laws of 1969 and RCW 67.16.080; repealing section 4, chapter 236, Laws of 1949, section 3, chapter 22, Laws of 1969 and RCW 67.16.090; repealing section 9, chapter 55, Laws of 1933, section 30, chapter 182, Laws of 1935, section 4, chapter 48, Laws of 1941, section 2, chapter 34, Laws of 1947, section 5, chapter 106, Laws of 1955, section 7, chapter 148, Laws of 1965 and RCW 67.16.100; repealing section 3, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.102; repealing section 11, chapter 55, Laws of 1933 and RCW 67.16.110; repealing section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130; repealing section 3, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.140; repealing section 4, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.150; repealing section 5, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.160; repealing section 10, chapter 55, Laws of 1933 and RCW 67.16.900; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

**SENATE BILL NO. 3013, by Senator Wojahn:**

AN ACT Relating to alcoholic beverage control; and repealing section 14, chapter 21, Laws of 1969 ex. sess., section 3, chapter 275, Laws of 1969 ex. sess., section 7, chapter 173, Laws of 1975 1st ex. sess., section 1, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.025.

Referred to Committee on Commerce.

**SENATE BILL NO. 3014, by Senator Bluechel:**

AN ACT Relating to revenue and taxation; and amending section 3, chapter 125, Laws of 1972 ex. sess. and RCW 84.36.400.

Referred to Committee on Local Government.

**SENATE BILL NO. 3015, by Senators Talley, Goltz, Peterson, Murray and Rasmussen:**

AN ACT Relating to energy facilities; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3016, by Senators Sandison and Odegaard:**

AN ACT Requiring energy siting regulatory authorities to take cognizance of local government shoreline management plans.

Referred to Committee on Ecology.

**SENATE BILL NO. 3017, by Senators Odegaard and Monohon:**

AN ACT Relating to the transfer of property owned by one port district but located in another; and adding a new section to chapter 53.04 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 3018, by Senator Bluechel:**

AN ACT Relating to the Washington state teachers' retirement system; and amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310.

Referred to Committee on Education.

**SENATE JOINT MEMORIAL NO. 109, by Senators Talley and Murray (by Oceanographic Commission of Washington request):**

Requesting the federal government to develop a program of standards for marine measurements.

Referred to Committee on Natural Resources.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, by Committee on Local Government (originally sponsored by Representatives Valle, Zimmerman and Thompson):**

Enacting the "Public Water System Coordination Act of 1977".

Referred to Committee on Local Government.

**SECOND SUBSTITUTE HOUSE BILL NO. 251, by Committee on Appropriations (originally sponsored by Representatives Fortson, Adams, Kreidler, Pruitt, Hanna, Shinpoch, Whiteside, Gruger, Pearsall, Lux, May, Bauer, Burns, Deccio, Fischer, Gaines, Grimm, Hansen, Hurley (George), Knowles, Knedlik, Martinis, Maxie, McCormick, Nelson (Dick), North, Sherman, Tilly, Vrooman, Amen, Barr, Bender, Charnley, Clayton, Douthwaite, Ehlers, Erak, Erickson, Fancher, Fuller, Gilleland, Halcy, Hawkins, Lee, Nelson (Gary), O'Brien, Oliver, Pardini, Patterson, Salatino, Sanders, Schmitten, Shinoda, Taller, Walk, Warnke, Williams, Wilson, Winsley and Grier:**

Making changes in the senior citizens services act.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 287, by Representatives Hansen, Dunlap and Gilleland:

Requiring certain county electrical projects to be by contract.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 301, by Representatives Bauer, Vrooman, Douthwaite and Leckenby:

Dispensing with the competitive bid requirement for counties when the amount involved is less than \$2500 instead of the present \$1000.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 340, by Committee on Financial Institutions (originally sponsored by Representatives Polk and O'Brien):

Exempting securities issued by nonprofit recognized religious denominations from state securities regulation laws.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 357, by Representatives Gaines, Warnke, Douthwaite, Gallagher and Grier:

Requiring smoke detectors.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, by Committee on Appropriations (originally sponsored by Representatives Thompson and Polk):

Establishing the LEAP committee.

Referred to Committee on Ways and Means.

#### MOTIONS

Senator Bottiger moved that the Committee on Ecology be relieved from further consideration of Senate Bill No. 3016 and that the bill be rereferred to the Committee on Energy and Utilities.

Debate ensued.

The motion by Senator Bottiger carried. The Committee on Ecology was relieved from further consideration of Senate Bill No. 3016 and the bill was rereferred to the Committee on Energy and Utilities on a rising vote.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2172.

#### SECOND READING

ENGROSSED SENATE BILL NO. 2172, by Senators Talley, Day and Buffington:

Licensing acupuncturists.

The Senate resumed consideration of Engrossed Senate Bill No. 2172 and the following amendment moved for adoption by Senator Cunningham on March 15, 1977:

On page 1, lines 23 and 24 of both the printed and engrossed bills, strike "and organic"

Debate ensued.

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

On motion of Senator Day, Engrossed Senate Bill No. 2172 was advanced to third reading, the second 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. 2172 and the bill passed the Senate by the following vote: Yeas, 31, nays, 12; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Henry, Herr, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—31.

Voting nay: Senators Cunningham, Gould, Guess, Hayner, Jones, Lewis, Mardesich, North, Sandison, Sellar, Wanamaker, Wilson—12.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2172, having received the constitutional majority, was declared passed. 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 Engrossed Senate Bill No. 2174.

## THIRD READING

ENGROSSED SENATE BILL NO. 2174, by Senators Van Hollebeke, Talley and North:

Raising the per diem compensation for members of boards of water commissioners.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2174.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2174, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—39.

Voting nay: Senators Goltz, Odegaard, Talley, Wilson—4.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

## MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2184 was ordered to hold its place on the third reading calendar for March 17, 1977.

## THIRD READING

SENATE BILL NO. 2208, by Senators Gaspard, Wilson and Benitz:

Amending miscellaneous agricultural laws relating to weeds, seeds, marketing agreements, horticultural districts, and weights and measures.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2208.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2208, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SENATE BILL NO. 2208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2215, by Senators Francis, Woody and Clarke:

Revising probate laws.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2215.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2215, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator von Reichbauer—1.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2215, having received the 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. 2230, by Senators Marsh, Talley and Henry:

Authorizing cities, counties, and/or public transportation agencies of contiguous states to enter into agreements for operation of bus services.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2230.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2230, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SENATE BILL NO. 2230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2251, by Senators Bottiger, Gaspard, Benitz, Morrison and Woody:

Removing minimum wage restrictions on seasonal employees at agricultural fairs.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2251.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2251, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Cunningham—1.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SUBSTITUTE SENATE BILL NO. 2251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2258, by Senators Rasmussen, Newschwander and Bailey (by State Treasurer request):

Allowing state, county and municipal treasurers to transfer public funds electronically.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2258.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2258, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Pullen—1.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2273, by Senators Sandison and Donohue:

Providing for tuition and fees for students participating in a joint program conducted by two or more institutions of higher education.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2273.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2273, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2273, having received the 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. 2292, by Senators Francis, Clarke and Van Hollebeke: (by Judicial Council request):

Increasing homestead exemption.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2292.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2292 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SENATE BILL NO. 2292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2300, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Modifying the collection of jury costs.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2300.

## 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, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

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.

## THIRD READING

ENGROSSED SENATE BILL NO. 2310, by Senators Rasmussen and Buffington:

Making various changes in the law on the state committee on salaries.

The bill was read the third time and placed on final passage.



The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2310.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2310, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2310, having received the 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. 2314, by Senator Sellar:

Increasing county auditor's fees for official services.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2314.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2314, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Cunningham—1.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SENATE BILL NO. 2314, having received the 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. 2315, by Senators Wojahn, Marsh, Morrison and Beck:

Increasing the fees for real estate brokers and salesmen's licenses.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2315.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2315, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senators Gould, Mardesich, McDermott, Pullen, Rasmussen, Van Hollebeke—6.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

SENATE BILL NO. 2315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2324, by Senator Hayner:

Providing an alternative method of giving notice of a materialman's lien.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2324.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2324, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Odegaard, Senator Ridder was excused.

### THIRD READING

ENGROSSED SENATE BILL NO. 2325, by Senators Wilson, Talley, Sellar, Bluechel, Walgren, McDermott, Guess, North, Rasmussen, Bailey and Fleming:

Requiring the preparation of fiscal notes on proposed legislation relating to cities, towns, counties, and other units of local government.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2325.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2325, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Buffington, Fleming, Grant, Newschwander, Ridder, Wojahn, Woody—7.

ENGROSSED SENATE BILL NO. 2325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 11:00 a.m., on motion of Senator Walgren, the Senate recessed until 11:58 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:58 a.m.

### STANDING COMMITTEE APPOINTMENTS

The President announced the following changes to the Senate Standing Committees:

SENATOR RUTHE RIDDER — Appointed to Committee on Ways and Means. Relinquished position on Committee on Social and Health Services.

SENATOR MARCUS S. GASPARD — Relinquished position on Committee on Constitution and Elections.

SENATOR AUGUST MARDESICH — Appointed to Committee on Labor.

SENATOR GARY ODEGAARD — Appointed Chairman of Committee on Higher Education (replacing Senator Gordon Sandison, as Chairman).

SENATOR CAROL MONOHON — Appointed to Committee on Constitution and Elections, Committee on Parks and Recreation, Committee on Social and Health Services.

### MOTION

On motion of Senator Walgren, the committee assignments, as read, were confirmed.

### MOTIONS

On motion of Senator Lewis, Senator Matson was excused.

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

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 2620.

### SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620, by Committee on Ways and Means (originally sponsored by Senators Benitz and Morrison):

Granting emergency powers to the department of ecology because of the impending drought.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 2620. On motion of Senator Gaspard on March 14, 1977, the bill was returned from third to second reading. At that time, the Secretary commenced consideration of an amendment by Senators Gaspard, Bottiger, Benitz, Morrison and Washington. Senator Mardesich objected.

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Bottiger, Benitz, Morrison and Washington:

On page 1 strike everything after the enacting clause and insert the following:

**NEW SECTION.** Section 1. It is the purpose of this 1977 amendatory act to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977.

**NEW SECTION.** Sec. 2. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses" for the purposes of this 1977 amendatory act.

**NEW SECTION.** Sec. 3. In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than January 22, 1979, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose: PROVIDED, That with respect to a new domestic use such funding shall not be necessary; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

**NEW SECTION.** Sec. 4. (1) As to projects and water withdrawal permits issued or authorized or both under sections 3 and 10 of this 1977 amendatory act, the requirements of chapter 43.21C RCW and all local zoning ordinances, plans, and local building and construction permit ordinances are waived and inapplicable. Notwithstanding any other provisions of law, water projects and related withdrawal permits, authorized or issued pursuant to sections 3 or 10 of this 1977 amendatory act shall not be subject to any public notice requirements. Permits issued under sections 3 and 10 of this 1977 amendatory act shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140, 75.20.100, and 86.16.080, as well as all other similar permits required under local ordinances. All state departments or other agencies having jurisdiction over state or other public lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to sections 3 and

10 of this 1977 amendatory act, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed.

(2) Upon request of the department of ecology or any other state agency or municipal or public corporation, the department of general administration may waive any public bidding requirements otherwise provided by law, for any project authorized by section 3 or 10 of this 1977 amendatory act and financed with funds appropriated in section 8 of this 1977 amendatory act or in section 6, chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess., if the department of general administration determines that (a) an emergency condition exists, and (b) if the request for a waiver is not approved the public interest will be significantly affected in a detrimental manner. The department of general administration shall rule upon requests for waiver submitted to it within five working days. If the department fails to rule within said five-day period the request shall be deemed approved and a waiver deemed to be granted. The department of general administration, after obtaining the views of the department of ecology, shall adopt rules to implement this section. Notwithstanding any other provision of this chapter, this subsection shall terminate on October 15, 1977.

NEW SECTION. Sec. 5. (1) Nothing in this 1977 amendatory act shall authorize any interference whatsoever with existing water rights.

(2) Nothing in this 1977 amendatory act shall authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority.

(3) Nothing in this 1977 amendatory act shall authorize the establishment of a water right under RCW 90.03.250 or 90.44.060.

(4) Nothing in this 1977 amendatory act shall preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060: PROVIDED, HOWEVER, That any such application for withdrawal rights as to withdrawals made under authority of this act shall be considered de novo and subject to all applicable laws and rules and regulations as though this emergency law had not existed.

NEW SECTION. Sec. 6. The department of ecology shall adopt such rules as are necessary and appropriate to carry out the powers provided in this 1977 amendatory act.

NEW SECTION. Sec. 7. The power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 90.03, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

NEW SECTION. Sec. 8. There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state and local improvements revolving account—water supply facilities of the general fund the amount of \$7,733,072, or so much thereof as may be necessary, to carry out the purposes of this 1977 amendatory act.

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$3,733,072 may be expended to provide financial assistance, subject to the limitations provided in chapter 43.83B RCW, to public bodies as defined in RCW 43.83B.050, to construct irrigation water supply and distribution facilities authorized in section 3 of this 1977 amendatory act or for purposes authorized in section 10 of this 1977 amendatory act.

(2) Not more than \$4,000,000 may be expended to provide financial assistance, subject to the limitations provided in chapter 43.83B RCW, to public bodies as defined in RCW 43.83B.050, to construct municipal and industrial water supply and distribution facilities in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977: **PROVIDED**, That the department may expend funds from this appropriation to make loans or combinations of loans and grants to public water utilities, and the grant portion of such a combination loan and grant for any project shall not exceed forty percent of the total moneys received by such project under this 1977 amendatory act and chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess.: **PROVIDED FURTHER**, That the department may expend funds from this appropriation to make loans or combinations of loans and grants to public bodies for any project up to one hundred percent of the total moneys received by such project under this 1977 amendatory act and chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess., for the eligible costs of preconstruction activities and other necessary costs: **AND PROVIDED FURTHER**, That funds expended pursuant to this section shall be in accordance with the interagency agreement dated April 9, 1973, between the department of ecology and the department of social and health services.

**NEW SECTION.** Sec. 9. The department of ecology is authorized to employ necessary temporary personnel until October 1, 1977, in project-related fields, including, but not limited to, engineering, hydrology, geology, and natural or water resources, not to exceed five full time equivalent staff years to carry out the provisions of this 1977 amendatory act. Such temporary personnel shall be funded only through the biennial appropriations to the department, and not by funds provided by this 1977 amendatory act and chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess.

**NEW SECTION.** Sec. 10. In addition to the other powers provided to the department of ecology by this chapter, the department of ecology is authorized with funds, not exceeding \$5,000,000 provided by section 8(1) of this 1977 amendatory act and chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess., to construct directly (or by contract with others) emergency water withdrawal and delivery facilities. Such facilities may be constructed solely to alleviate emergency water supply conditions arising from a drought: **PROVIDED**, That not more than \$5,000,000 may be expended for this purpose as authorized by section 8(1) of this 1977 amendatory act and by section 6(5) of chapter ... (ESSSB 2632), Laws of 1977 1st ex. sess. No public surface or ground waters shall be withdrawn pursuant to the authority of this section unless a permit to withdraw the same is first issued by the department. Permit for purposes hereof shall mean a permit issued under this chapter or chapters 90.03 and 90.44 RCW. The provisions of section 4 of this 1977 amendatory act are applicable to actions taken by the department pursuant to this section.

In relation to facilities to be constructed and operated by the department of ecology directly as authorized by this section, the department of general administration shall, upon the request of the department of ecology, execute contracts as are appropriate to achieve the required construction of facilities.

**NEW SECTION.** Sec. 11. The department shall, by rule, establish rates of charges for all waters delivered from such facilities. Where the department provides water to public or municipal corporations or other governmental bodies having authority to distribute water, the payment for the water may be made pursuant to contract over a period not exceeding twenty-five years from the date of delivery. In all other cases, the department shall obtain payment for waters prior to its delivery to a purchaser. All payments received shall be deposited into the state emergency water projects revolving fund to be used only for the purposes of bond redemption.

Sec. 12. Section 3, chapter 295, Laws of 1975 1st ex. sess. as amended by section 1, chapter 36, Laws of 1975-'76 2nd ex. sess. and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands or, when required because of emergency drought conditions, to provide water to previously irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

**NEW SECTION.** Sec. 13. If any provision of this 1977 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. 14. The provisions of sections 1 through 10 of this 1977 amendatory act shall automatically expire on January 22, 1979, except as otherwise specifically provided in this 1977 amendatory act.

**NEW SECTION.** Sec. 15. This 1977 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 motion of Senator Mardesich, the following amendments to the amendment by Senator Mardesich, the following amendments to the amendment by Senators Gaspard, Bottiger, Genitz, Morrison and Washington were considered and adopted simultaneously:

On page 1, line 37 of the amendment, after "purpose" insert ": PROVIDED, That with respect to a new domestic use such finding shall not be necessary"

On page 2, line 2 of the amendment, strike "extreme"

On page 2, line 44 of the amendment, strike "of" and insert "or"

On page 3, line 41 of the amendment, after "90.44.060" insert ": PROVIDED, HOWEVER, That any such application for withdrawal rights as to withdrawals made under authority of this act shall be considered de novo and subject to all applicable laws and rules and regulations as though this emergency law had not existed"

On page 6, line 5 of the amendment, strike "5" and insert "4"

On page 6, line 27, after "fund" insert "to be used only for the purposes of bond redemption"

### POINT OF INQUIRY

Senator Mardesich: "Would Senator Gaspard yield to a question? Senator Gaspard, I note that in section 11 of your amendment, you set up a procedure by which the department shall establish a series of rates and charges for waters delivered from the facilities constructed under this measure.

"It further indicates that with respect to public or municipal corporations that charge may be extended over a period not exceeding twenty-five years from the date of delivery of the water, and with respect to other users, and I assume that would be private users, that payment or charge must be made prior to delivery.

"Is it the intention of this section to include within the rate base or charges to be made for the water the cost of the amortization of the capital investment of the project?"

Senator Gaspard: "Senator Mardesich, the question did come up yesterday, and after checking with the other sponsors of the bill on this amendment and a representative of the department of ecology, that the answer is yes to your question."

Debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Gaspard yield to a question? Senator Gaspard, this in no way affects domestic water wells on this side of the mountains? If we have a dry year and the water table goes down, we can deepen the well or anything like that?"

Senator Gaspard: "That we can deepen a well? Is that what you said? Could you repeat that, I didn't quite get that?"

Senator Talley: "It no way affects domestic water wells on this side of the mountains?"

Senator Gaspard: "Domestic water wells?"

Senator Talley: "Yes."

Senator Gaspard: "Drilling the water wells would be on state land, done by the department of ecology or they could contract out."

Senator Talley: "I didn't understand what you said then."

Senator Gaspard: "The answer is no specifically to your question."

Senator Talley: "It does not."

Senator Gaspard: "That is correct, no."

#### REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, perhaps I could add to the answer to Senator Talley. This does provide for emergency authority to the department of ecology and the processing of temporary permits, so if in fact domestic wells were running dry in a certain area, they could investigate, could authorize the drilling of those wells to new depths or could even instigate other emergency procedures under this particular, the flexibility involved in this bill.

"So, yes, I feel it is a legislative answer even in the area of domestic wells."

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

On motion of Senator Gaspard, the following amendment by Senators Gaspard, Bottiger, Benitz, Morrison and Washington to the title was adopted:

On page 1, line 4 of the title, after "appropriation," insert "prescribing penalties;"

On motion of Senator Morrison, Reengrossed Second Substitute Senate Bill No. 2620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 2620, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen,



Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Buffington, Grant, Matson, Newschwander, Wojahn, Woody—6.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620, having received the constitutional 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 12:15 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

On motion of Senator Odegaard, Senators Herr, Mardesich and Peterson were excused.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 2632.

#### THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2632, by Committee on Ways and Means (originally sponsored by Senators Morrison and Benitz):

Authorizing construction of water withdrawal and distribution facilities.

#### MOTIONS

On motion of Senator Bottiger, Engrossed Second Substitute Senate Bill No. 2632 was returned to second reading.

On motion of Senator Bottiger, the following amendment by Senators Bottiger, Gaspard, Morrison, Benitz and Washington was adopted:

On page 1 strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty-five million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds shall be sold after January 22, 1979.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the

due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

As used in this act, the term "water supply facilities for water withdrawal and distribution" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to the acquisition, construction, installation, improvement, or use of any water supply or distribution system furnishing water for agricultural, municipal or industrial purposes.

NEW SECTION. Sec. 2. At the time the state finance committee determines to issue such bonds authorized in section 1 of this act or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by this act shall be deposited in the state emergency water projects revolving account, hereby created in the general fund in the state treasury, and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: **PROVIDED,** That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by section 4 of this act.

NEW SECTION. Sec. 3. The principal proceeds from the sale of the bonds authorized in this act shall be administered by the director of the department of ecology.

NEW SECTION. Sec. 4. The state emergency water projects bond redemption fund of 1977, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by this act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 emergency water projects bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The bonds authorized by this act shall be a legal investment for all state funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 6. There is hereby appropriated to the department of ecology from the state emergency water projects revolving fund the sum of \$30,000,000, or so much thereof as may be necessary, for the biennium ending June 30, 1977, for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977: **PROVIDED,** That the appropriation contained herein shall be subject to the following conditions and limitations:

(1) Not more than \$25,000,000 shall be expended for agricultural water supply and distribution systems and not more than \$5,000,000 shall be expended for municipal and industrial water supply and distribution systems.

(2) The department may expend funds from this appropriation to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050. The grant portion of a combination loan and grant to a public body for any project shall not exceed fifteen percent of the total amount received by such project under this act except where used for municipal and industrial water supply facilities, in which case the amount of the allowable grant portion shall be determined the same as in section 8(2) of chapter ... (ESSSB 2620), Laws of 1977 1st ex. sess.

(3) The department may expend funds from this appropriation to make loans or combinations of loans and grants to public bodies (as defined in RCW 43.83B.050) to satisfy the matching requirements of RCW 43.83B.210: PROVIDED, That if funds available from this appropriation are used in conjunction with funds available under chapter 43.83B RCW, then the total grant portion for any project shall not exceed fifteen percent of the total moneys received by such project under this act and chapter 43.83B RCW.

(4) The expenditure of funds from this appropriation by the department of ecology to make loans or combinations of loans and grants for the planning, acquisition, construction, and improvement of water supply facilities shall be limited to those facilities authorized by the department of ecology pursuant to section 3 of chapter ... (ESSSB 2620), Laws of 1977 1st ex. sess.

(5) The department of ecology may expend funds, either directly or by contract with others, for the construction of water withdrawal and delivery facilities. Not more than \$5,000,000 shall be expended for the purposes of this subsection as authorized in section 10 of chapter ... (ESSSB 2620), Laws of 1977 1st ex. sess., either from this appropriation or through a combination of funds authorized by this appropriation and that authorized by section 8(1) of chapter ... (ESSSB 2620), Laws of 1977 1st ex. sess.

NEW SECTION. Sec. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That if chapter ... (ESSSB 2620), Laws of 1977 1st ex. sess., does not become law, the provisions of this act shall be null and void and of no further force and effect whatsoever."

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, I have pretty well explained the purpose of the bill in discussing the amendment. I would like to ask if Senator Gaspard would yield to a question in respect to this bill and the one that we just passed.

"Senator Gaspard, Senator Talley's question was a little confusing to me, and I think to you as well. I used the words 'domestic water' rather than 'municipal water supplies.' It is my understanding that this bill provides for municipal, publicly owned water supplies. This bill and the other are approximately ten million dollars for improvement for those publicly owned water systems. Is that your understanding?"

Senator Gaspard: "That is correct, and there was some confusion, and we did talk of Senator Talley's question and my answer to it and the interpretation of my answer.

"Yes, there is the amount of money that you specified in here for that use."

On motion of Senator Bottiger, Recrossed Second Substitute Senate Bill No. 2632 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 2632, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Excused: Senators Buffington, Grant, Herr, Mardesich, Matson, Newschwander, Peterson, Wojahn, Woody—9.

REENGROSSED SECOND SUBSTITUTE SENATE BILL 2632, having received the constitutional majority, was declared passed. 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, Reengrossed Second Substitute Senate Bill No. 2620 and Reengrossed Second Substitute Senate Bill No. 2632 were ordered immediately transmitted to the House.

## MOTION

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

## MOTION

Senator Walgren moved the following bill be rereferred to the Judiciary Committee:

SENATE BILL NO. 2339, by Senators Cunningham, Mardesich, Rasmussen and Guess:

Prescribing rights of private property owners.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Cunningham yield to a question? Senator Cunningham, I realize that if Senator Bailey were here he would object to this, but I have always started off with the premise that a bill is going to change something, and I have been searching as to what this bill changes. Are we just doing a PR thing, or are we intending to make some change in the law?"

"You mentioned—it came up in caucus. I asked this question about if property is currently zoned 'general use' and the neighbors get together and want to make it 'suburban agriculture' could one neighbor object and thereby insist on being paid if the rest of them wanted to change the zoning from 'general' to 'suburban agriculture'? Senator Mardesich was of the opinion that they would have to be paid if any change at all were made in the existing zoning laws as of the effective date of this act.

"If that is the change intended, then I think we had better tell some county commissioners and some other people about what we are doing."

Senator Cunningham: "Mr. President, responding to what I think was a question, it is my understanding that the bill does not address itself specifically to down zoning, and that is what you are talking about in that there is nothing in our statutes

that presently address themselves to up zoning other than how these normally reflect on your tax statements.

"What the bill very specifically says is that if your property is taken away from you, the right to use that property, that you cannot be subject to the state saying, 'But because we are going to take this away from you, we are going to let you use it for a few more years in lieu of paying you.' That is specifically what the bill says. That and that the rest of your property rights will be protected by the state Constitution."

Further debate ensued.

The motion by Senator Walgren carried on a rising vote. Senate Bill No. 2339 was rereferred to the Judiciary Committee.

## SECOND READING

SENATE BILL NO. 2114, by Senators von Reichbauer and Van Hollebeke (by Parks and Recreation Commission request):

Permitting longer concessions and leases in state parks.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and von Reichbauer was adopted:

On page 2, line 11, after "only" insert ": PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals"

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

On page 1, beginning with the comma at the end of line 26, strike all the material down through "years," on line 28, and insert "((, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years,)) based upon the amount of capital investment contemplated over the term of the lease in accordance with the following schedule: (a) concessions or leases involving less than two hundred and fifty thousand dollars in capitalization shall be limited to no more than twenty years; and (b) concessions or leases involving more than two hundred and fifty thousand dollars in capitalization shall be limited to no more than forty years"

On motion of Senator von Reichbauer, Engrossed Senate Bill No. 2114 was advanced to third reading, the second 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. 2114, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Absent: Senator Fleming—1.

Excused: Senators Buffington, Grant, Herr, Marjesich, Matson, Peterson, Wojahn, Woody—8.

ENGROSSED SENATE BILL NO. 2114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2263, by Senators Van Hollebeke and Morrison (by Department of Motor Vehicles request):

Revising the laws regulating employment agencies.

## REPORT OF STANDING COMMITTEE

February 3, 1977.

SENATE BILL NO. 2263, revising the laws regulating employment agencies (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 5, after "contractors" insert "2"

On page 6, line 24, after "within" strike all of the material down to and including "conversion" on line 26 and insert "ten years of the application which directly relates to the business for which the license is sought"

On page 7, line 20, after "of" insert "the"

On page 8, line 25, after "the" strike "receiving" and insert "employment"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were adopted.

On motion of Senator Van Hollebeke, Engrossed Senate Bill No. 2263 was advanced to third reading, the second 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. 2263, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—39.

Voting nay: Senators Cunningham, Pullen—2.

Excused: Senators Buffington, Grant, Herr, Mardesich, Matson, Peterson, Wojahn, Woody—8.

ENGROSSED SENATE BILL NO. 2263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2081, by Senator Francis:

Creating warrant server positions for municipal courts of large cities.

## MOTION

On motion of Senator Francis, Senate Bill No. 2081 was ordered to hold its place on the second reading calendar for March 21, 1977.

## MOTION

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

## MOTION

On motion of Senator McDermott, the motion for reconsideration on failure of Substitute Senate Bill No. 2115 to pass the Senate on March 14, 1977 was ordered held for March 17, 1977.

## MOTION

Senator Van Hollebeke moved the Committee on Agriculture be relieved from further consideration of Senate Bill No. 3003 and the bill be rereferred to the Committee on Commerce.

Debate ensued.

The motion by Senator Van Hollebeke failed.

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

## REPORTS OF STANDING COMMITTEES

March 15, 1977.

SENATE BILL NO. 2556, establishing geographical territories for beer wholesalers (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENT

March 15, 1977.

DEE PEDERSEN, to the position of member of the Board of Trustees for Highline Community College, District No. 9, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to the Committee on Rules.

## MOTION

At 2:24 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, March 17, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Thursday, March 17, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming, Francis, Hayner, Ridder, Wojahn and Woody. On motion of Senator Jones, Senator Hayner was excused. On motion of Senator Lewis, Senator Benitz was excused. On motion of Senator Odegaard, Senators Fleming, Francis, Ridder, Wojahn and Woody were excused.

The Color Guard, consisting of Pages Connie Idler and Tom Owens, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD, WHO ART THE GUIDE FOR ALL PEOPLE, IN ALL TIMES, WE THANK YOU FOR ALL THE KNOWN AND UNKNOWN, THE FAMED AND UNNAMED SAINTS OF FAITH, WHO COME FROM MANY DIFFERENT LANDS, AND SHARE THEIR VISION OF LIFE ETERNAL, WHO SHARE THEIR KINDNESS TO ALL IN NEED, WHO PROCLAIM THE 'GOOD NEWS' OF YOUR COMPASSION. WE THANK YOU FOR ALL THE SAINTS, GREAT AND SMALL, WHO HAVE GIFTED US WITH OUR HERITAGE, OUR IDENTITY AND OUR REASON TO HOPE.

"ESPECIALLY THIS DAY, O GOD, WE REMEMBER AND CELEBRATE ST. PATRICK, WHO KNEW THE OPPRESSION OF SLAVERY, BUT RETURNED TO HIS OPPRESSORS WITH THE MESSAGE OF YOUR RECONCILIATION, BRINGING WITH HIM THE GIFTS OF EDUCATION, CIVILIZATION AND A VISION FOR A BETTER WORLD. YET AS WE RAISE OUR VOICES AND OUR DRINKS IN CELEBRATION, WE REMEMBER TOO THE TURMOIL WHICH TEARS AT THE VERY FIBER OF HIS BELOVED IRELAND. O COMPASSIONATE AND SUFFERING GOD, WE SENSE THE DIVINE AGONY WHEN MEN AND NATIONS USE RELIGION NOT AS A SACRED TRUST BUT AS A SCOURGING CLUB TO DENY LIFE TO OTHERS, EACH SIDE CLAIMING TOTAL TRUTH AND USING THE PRECIOUS IDENTITY OF THEIR FAITH NOT TO BRING A NEW ORDER OF JUSTICE, BUT TO MAKE NEW SOLDIERS CARRY FORTH A CENTURY OF OLD HATE.

"IN HUMILITY O LORD OF LIFE, WE CONFESS WE HAVE NO TOTAL POSSESSION OF TRUTH OR RIGHT. HELP US TO LEARN THAT PEACE WILL NOT BE SURE WITHOUT JUSTICE FOR ALL, AND THAT JUSTICE WILL NOT FLOW UNTIL WE LEARN TO LIVE IN RESPECT FOR EACH PERSON AND IN CELEBRATION THAT ALL PEOPLE ARE VALUED AS YOUR CHILDREN. IN MEMORY OF ST. PATRICK, WE HOPE THAT PEACE IS STILL POSSIBLE, 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

March 15, 1977.

SENATE BILL NO. 2267, increasing the mileage allowance (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2267 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2268, increasing per diem (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2268 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Henry.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2431, providing for the erection of a statue in statuary hall in the national capitol (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2431 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2559, creating the governor's office of citizens' affairs (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2559 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2565, transferring trademark and UCC duties from the Secretary of State to the department of motor vehicles (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2565 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2731, providing for designation of specialty plumbers and revising other laws on plumbing (reported by Committee on Commerce):

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

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

March 16, 1977.

DR. WILLIAM J. SCHEYER, to the position of member of the Board of Trustees for Peninsula Community College, District No. 1, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980 (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 16, 1977.

PHYLLIS GOLDSCHMID, to the position of member of the Board of Trustees for Olympic Community College, District No. 3, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980 (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

## MESSAGE FROM THE HOUSE

March 16, 1977.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 153,

ENGROSSED HOUSE BILL NO. 541, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3019, by Senators Odegaard, Donohue, Jones, Fleming, McDermott, Walgren and Ridder:

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

Referred to Committee on Ways and Means.

SENATE BILL NO. 3020, by Senators Murray, Ridder, North, Hayner and Gould:

AN ACT Relating to basic education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.01 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3021, by Senators Beck, Morrison, Henry and Talley:

AN ACT Relating to speeding violations; amending section 46.08.110, chapter 12, Laws of 1961 as amended by section 3, chapter 32, Laws of 1967 and RCW 46.01.250; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.64 RCW; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3022, by Senator Herr:

AN ACT Relating to watercraft; creating a new chapter in Title 88 RCW; repealing section 8, chapter 200, Laws of 1907 and RCW 88.04.090; repealing section 9, chapter 200, Laws of 1907 and RCW 88.04.100; repealing section 15, chapter 200, Laws of 1907 and RCW 88.04.180; repealing section 11, chapter 200, Laws of 1907 and RCW 88.04.190; repealing section 25, chapter 200, Laws of 1907 and RCW 88.04.280; repealing section 1, chapter 72, Laws of 1933 and RCW 88.12.010; repealing section 2, chapter 72, Laws of 1933 and RCW 88.12.020; repealing section 3, chapter 72, Laws of 1933 and RCW 88.12.030; repealing section 4, chapter 72, Laws of 1933 and RCW 88.12.040; repealing section 5, chapter 72, Laws of 1933 and RCW 88.12.050; repealing section 6, chapter 72, Laws of 1933 and RCW 88.12.060; providing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3023, by Senators Talley and Odegaard:

AN ACT Relating to state government; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3024, by Senators Peterson, Talley and Wanamaker:

AN ACT Relating to food fish and shellfish; creating a new chapter in Title 75 RCW; repealing all acts or parts of acts inconsistent herewith; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3025, by Senator Marsh:

AN ACT Relating to malicious mischief; amending section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; and defining crimes.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 153, by Committee on Local Government (originally sponsored by Representatives Gallagher, Pearsall, Grier and Wilson):

Revising the law on public works contracts.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 541, by Representatives King, Lux, Paris and Pearsall:

Adjusting workmen's compensation for permanent partial disabilities.

Referred to Committee on Labor.

#### MOTION

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

#### MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2184 was ordered placed on today's third reading calendar following Substitute Senate Bill No. 2245.

## THIRD READING

SENATE BILL NO. 2338, by Senators Walgren, Day and North:

Permitting additional cost factors to be considered when dealing with sheltered workshops.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2338.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2338, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Benitz, Fleming, Francis, Hayner, Ridder, Wojahn, Woody—7.

SENATE BILL NO. 2338, having received the 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 Walgren: "I just wanted to explain to the gallery that these are bills that have been passed by the Senate before and have gone over to the House during the regular session of the Legislature.

"Under our rules they have to come back for repassage. They have all been considered before in the rules committee and have been considered before on the floor of the Senate and argued. Consequently, there is very little argument or debate with regard to these measures, and they are passed rather rapidly."

## PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, also speaking to a point of personal privilege, have the seating charts distributed to the members and the gallery been corrected since the recent seating changes have been made?"

## REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises, in reply to your question, Senator Goltz, that the process of changing the seating charts is in the mill and will be completed at the earliest possible time."

## PERSONAL PRIVILEGE

Senator Goltz: "I would just like the people in the gallery to know that I am not Senator Bottiger, nor is Senator Wojahn me, just in case there is any doubt about that."

## REPLY BY THE PRESIDENT

President Cherberg: "And when Senator Monohon is in her seat, they will know that Senator Monohon is not Senator Gaspard."

## THIRD READING

SENATE BILL NO. 2341, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Allowing the director of game to determine the time and place of the drawing in special hunting seasons.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2341.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2341, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Benitz, Fleming, Francis, Hayner, Ridder, Wojahn, Woody—7.

SENATE BILL NO. 2341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2342, by Senators Peterson, Wanamaker and Talley (by Department of Game Request):

Prohibiting the acquisition or possession of a hunting or fishing license using false information or after revocation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2342.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2342, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Benitz, Fleming, Francis, Hayner, Ridder, Wojahn, Woody—7.

ENGROSSED SENATE BILL NO. 2342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 2344, by Senators Peterson, Wanamaker and Talley (by Department of Game request):

Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2344.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2344, and the bill passed the Senate by the following vote: Yeas, 35; nays, 6; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, Walgren, Washington—35.

Voting nay: Senators Cunningham, Matson, Sellar, von Reichbauer, Wanamaker, Wilson—6.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Benitz, Fleming, Francis, Hayner, Ridder, Wojahn, Woody—7.

ENGROSSED SENATE BILL NO. 2344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2365, by Senators Fleming, Guess, Henry, Talley and Wanamaker (by Department of Highways request):

Revising laws relating to highways.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2365.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2365, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Benitz, Fleming, Francis, Hayner, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2365, having received the 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. 2378, by Senators Lewis, Keefe, Guess and Day (by Department of Highways request):

Extending state route 290 in Spokane.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2378.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2378, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Benitz, Fleming, Francis, Hayner, Wojahn, Woody—6.

SENATE BILL NO. 2378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 2382, by Committee on Parks and Recreation (originally sponsored by Senators Gaspard, von Reichbauer, Wojahn, Goltz and Peterson):

Authorizing senior citizen passports for admission to and use of state parks.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2382.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2382, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Benitz, Fleming, Francis, Hayner, Wojahn, Woody—6.

SUBSTITUTE SENATE BILL NO. 2382, having received the 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. 2384, by Senators Marsh, Matson and Grant (by Department of Labor and Industries request):

Changing the time for renewal of registration certificates of contractors.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2384.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2384, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Benitz, Fleming, Francis, Hayner, Wojahn, Woody—6.

SENATE BILL NO. 2384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:35 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Senate Bill No. 2387.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2387, by Senators Grant and Morrison (by Department of Labor and Industries request):

Regulating mobile homes.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2387.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2387, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Gaspard, Goltz, Gould, Grant, Henry, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Bluechel, Clarke, Cunningham, Guess, Herr, Jones, Lewis, Pullen, Sellar, Talley—10.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

ENGROSSED 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.

#### THIRD READING

ENGROSSED SENATE BILL NO. 2400, by Senators Rasmussen, Odegaard and Newschwander:



Changing the name of the office of program planning and fiscal management to the office of fiscal management.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2400.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2400, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2408, by Senators Henry, Wanamaker and Rasmussen:

Establishing a charge for pamphlets of liquor regulations.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2408.

### 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, 38; nays, 6; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Gould, Guess, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Washington—38.

Voting nay: Senators Goltz, Grant, Keefe, Van Hollebeke, von Reichbauer, Wilson—6.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

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.

### THIRD READING

ENGROSSED SENATE BILL NO. 2418, by Senators Walgren, Murray, Woody, Clarke and Henry:

Revising the laws relating to criminal justice training.

## MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2418 was ordered to hold its place on the third reading calendar for March 21, 1977.

## THIRD READING

**ENGROSSED SENATE BILL NO. 2421**, by Senators Goltz, Lewis and North:

Authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2421.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2421, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Gould, Van Hollebeke—2.

Absent or not voting: Senator Morrison—1.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

**ENGROSSED SENATE BILL NO. 2421**, having received the 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, move for reconsideration of the vote by which Engrossed Senate Bill No. 2421 passed the Senate.

## THIRD READING

**SENATE BILL NO. 2439**, by Senators Buffington, Henry and Guess:

Extending the obligation of urban arterial trust funds for one more year.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2439.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2439, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Bottiger, Gaspard, Mardesich, Scott—4.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

SENATE BILL NO. 2439, having received the 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. 2447, by Senators Morrison, Wilson and Benitz:

Increasing the maximum allowable assessment for tree fruit.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2447.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2447, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Grant, Matson, Van Hollebeke—3.

Excused: Senators Fleming, Francis, Hayner, Wojahn, Woody—5.

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 Jones, Senator Cunningham was excused.

### THIRD READING

ENGROSSED SENATE BILL NO. 2451, by Senators Rasmussen, Marsh and Morrison:

Allowing for a longer appeal period from actions of county boards of equalization.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2451.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2451, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Cunningham, Fleming, Francis, Hayner, Wojahn, Woody—

ENGROSSED SENATE BILL NO. 2451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2478, by Senators Sandison, McDermott and Guess:

Allowing institutions of higher education to collect certain debt charges if provided for in the agreement signed by the debtor.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2478.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2478, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Cunningham, Fleming, Francis, Hayner, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 2500, by Senator Sellar:

Creating state route 285.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2500.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2500, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Grant—1.

Excused: Senators Cunningham, Fleming, Francis, Hayner, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2500, having received the constitutional majority, was declared passed. 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, Senate Joint Resolution No. 109, Substitute Senate Bill No. 2245 and House Bill No. 186 were ordered to hold their places on third reading calendar for March 21, 1977.

## MOTION

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

## MOTION

On motion of Senator McDermott, the motion for reconsideration by Senator McDermott on the failure of Substitute Senate Bill No. 2115 to pass the Senate on March 14, 1977 was ordered held for March 21, 1977.

## POINT OF INQUIRY

Senator Herr: "Thank you, Mr. President. Would Senator Grant yield to a question? Senator Grant, when are you going to hold your committee hearings on the various bills that are in your committee?"

Senator Grant: "We have been holding hearings."

Senator Herr: "You what?"

Senator Grant: "We have been holding hearings on the various bills in committee. I have one this afternoon as a matter of fact, Senator. Do you have something you are interested in?"

Senator Herr: "No, but what is your schedule for next week?"

Senator Grant: "The usual schedule. Our committee meetings are scheduled."

Senator Herr: "You will be in town then, right?"

Senator Grant: "Sure."

## MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate

## EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, March 18, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Bottiger, Fleming, Francis, Grant, Talley and Woody. On motion of Senator Odegaard, Senators Bausch, Bottiger, Fleming, Francis, Grant, Talley and Woody were excused.

The Color Guard, consisting of Pages Kim Johanson and Scott Sunde, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD, WHO ART THE SOURCE OF ALL THAT IS TRULY REAL, WHO HAS GIVEN US THIS UNIQUE OPPORTUNITY TO LIVE, AND WHO HAS GRANTED THAT WE MIGHT CO-CREATE WITH YOU AND OUR FELLOW CITIZENS A NEW ORDER OF JUSTICE, WE PAUSE AT THE END OF THIS BUSY WEEK TO REMEMBER THOSE IMPORTANT PEOPLE WITHOUT WHOM WE WOULD BE LOST IN CONFUSION, FRUSTRATED AND HELPLESS. WE THANK YOU FOR OUR SECRETARIES, RECEPTIONISTS AND AIDES WHOSE EFFORTS FREE US TO CREATE; FOR PAGES AND SERGEANT AT ARMS AND THE COUNTLESS BEHIND THE SCENES PEOPLE WHO MAKE LIFE MOVE AROUND THESE HALLS. FOR CAFETERIA WORKERS AND CODE REVISERS, FOR STAFF PEOPLE AND AGENCY PERSONNEL AND ALL WHO SUPPORT US IN OUR DAILY ROUNDS. WE THANK YOU FOR THE FRIENDS WHO NURTURE US AND GIVE US STRENGTH TO RISK, AND FOR THE ENEMIES WHO CHALLENGE US AND SHARPEN OUR PERSPECTIVE. MOST OF ALL WE THANK YOU FOR THE PEOPLE OF THIS RICH AND DIVERSE STATE WITHOUT WHOM THERE WOULD BE NO NEED FOR US TO BE HERE. AT THE END OF THE WEEK, WE PAUSE TO REMEMBER THAT WE ARE NOT ALONE, THAT WE ARE MEANT TO LIVE TOGETHER, AND THAT THE BONDS WHICH TIE US TOGETHER, THOUGH NEVER PURE, ARE NO LESS SURE, THANKS. AMEN."

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 16, 1977.

SENATE BILL NO. 2206, authorizing salary adjustments for official court reporters (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Clarke, Jones.

Passed to Committee on Rules for second reading.

March 16, 1977.

SENATE BILL NO. 2297, allowing electronic recordings of superior court trials (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 17, 1977.

SENATE BILL NO. 2376, providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Transportation.

Signed by: Senators Beck, Clarke, Guess, Keefe, Marsh, Matson, Newschwander, Sandison, Sellar, Talley, Walgren.

Referred to Committee on Transportation.

March 16, 1977.

SENATE BILL NO. 2416, providing a forfeiture hearing before the seizing agency to a person whose property has been seized under the controlled substances act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

SENATE BILL NO. 2429, revising the regulation of charitable solicitations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 17, 1977.

SENATE BILL NO. 2750, limiting summary suspension of a license (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 17, 1977.

SENATE BILL NO. 2838, establishing a state information service (reported by Committee on State Government):

Recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Referred to Committee on Ways and Means.

March 16, 1977.

HOUSE BILL NO. 109, repealing a provision of the Financial Responsibility Law declared unconstitutional by the U.S. Supreme Court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

SUBSTITUTE HOUSE BILL NO. 183, establishing procedures for guardianship of disabled persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

HOUSE BILL NO. 199, allowing the state fire marshal access to criminal offender record information (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

HOUSE BILL NO. 208, providing attorney's fees for the prevailing party in contract and lease disputes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 17, 1977.

HOUSE BILL NO. 242, deleting minimum requirement for instruction at cosmetology school (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 17, 1977.

HOUSE BILL NO. 306, repealing comic book laws (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 16, 1977.

HOUSE BILL NO. 313, relieving from liability hospitals with certain professionals for withdrawing blood when so directed by law enforcement officer pursuant to implied consent law (reported by Judiciary Committee):



MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

HOUSE BILL NO. 397, implementing code of responsibility criteria in awarding reasonable attorney's fees in eminent domain cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Clarke, Hayner.

Passed to Committee on Rules for second reading.

March 16, 1977.

ENGROSSED HOUSE BILL NO. 409, eliminating exemptions from jury service (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

ENGROSSED HOUSE BILL NO. 445, revising law relating to eminent domain (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 16, 1977.

HOUSE JOINT RESOLUTION NO. 21, amending the Constitution to allow audits of the judicial branch (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Lewis, Monohon, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

March 17, 1977.

KAZUO "KAZ" WATANABE, to the position of Director of the Department of Commerce and Economic Development, appointed by the Governor on January 27, 1977 for the term ending at the Governor's pleasure, succeeding John S. Larsen (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules:

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 17, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 17, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2021: Relating to the Puget Island ferry.

SENATE BILL NO. 2060: Relating to reclamation.

SENATE BILL NO. 2065: Relating to county homesite lands.

SENATE BILL NO. 2066: Relating to guideposts.

SENATE BILL NO. 2068: Relating to town supervisors.

SENATE BILL NO. 2095: Relating to the state treasurer's office.

SENATE BILL NO. 2096: Relating to the state treasury.

SENATE BILL NO. 2098: Relating to the retirement of judges.

SUBSTITUTE SENATE BILL NO. 2130: Relating to state government.

SENATE BILL NO. 2164: Relating to publicly owned land.

Sincerely,  
**JOE ZASPEL**  
 Legislative Assistant.

## MESSAGE FROM THE HOUSE

March 17, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161,

HOUSE BILL NO. 335,

ENGROSSED HOUSE BILL NO. 459,

SUBSTITUTE HOUSE BILL NO. 572,

ENGROSSED HOUSE BILL NO. 716, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## REMARKS BY SENATOR WALGREN

Senator Walgren advised the Senate members that the Introduction and First Reading of bills would be considered later today. He asked that all members check the introduction sheet on their desks and at the proper time, move for any additional sponsors or change in committee referrals.

## MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 12:05 p.m.

## SECOND READING

SENATE BILL NO. 2008, by Senators Rasmussen and Day:  
 Revising authority of the state capital committee.

## MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2008 was substituted for Senate Bill No. 2008 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the following amendment by Senator Donohue was adopted:

On page 1, line 23, after "agencies" strike, "located in Thurston county" and insert "except for universities state colleges and community colleges"

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 28, after "action" insert ": PROVIDED, HOWEVER, That such approval shall not be necessary with respect to such construction, remodeling, furnishing and use as may be directed by the house of representatives or the senate"

Debate ensued.

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

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

On page 2, line 5, after "committee" strike "when the real estate is located in Thurston county" and insert "((when the real estate is located in Thurston county))"

On motion of Senator Rasmussen, Engrossed Substitute Senate Bill No. 2008 was advanced to third reading, the second 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. 2008, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senator Bluechel—1.

Absent or not voting: Senator Murray—1.

Excused: Senators Bausch, Bottiger, Fleming, Francis, Grant, Talley, Woody—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Odegaard, Senator Gaspard was excused.

## SECOND READING

SENATE BILL NO. 2121, by Senators Scott, Marsh, Clarke and Odegaard (by Legislative Budget Committee request):

Restricting printing and distribution of state reports and publications.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 2121 was substituted for Senate Bill No. 2121 and the substitute bill was placed on second reading and read the second time in full.

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

On page 7, beginning on line 23, strike all of section 15.

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

On page 1, line 10, of the title after "40.04.020" insert "and" and on line 11, after "43.01.030" strike all the matter down to the period on line 12.

Senator Scott moved Engrossed Substitute Senate Bill No. 2121 be advanced to third reading.

Debate ensued.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Scott yield to a question? I would like to ask before it is sent down for purposes of amendment whether or not college newspapers are included as publications which would require the state printer or the approval and certification or approval prior to the printing of college newspapers?"

Senator Scott: "They would have to meet the guidelines set forth by OPP&FM, yes."

Senator Goltz: "Would it be your expectation that you could meet the guideline for an entire series of publications rather than each individual issue?"

Senator Scott: "Senator, remember we are not talking about contents now in terms of specific items. We are talking about the way that a college publication is put out. If it is put out, for instance, on a tabloid and the number of copies that are put out. If it is intended, for instance, for Western Washington's campus, there would be no point in bringing the question up if you are dealing with two thousand or five thousand or ten thousand copies. But if there were twenty thousand copies issued and mailed to the western part of the state, then maybe that would be the kind of a signal that would bring OPP&FM to question whether that many copies were necessary."

## MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2121, as amended, was ordered placed on today's second reading calendar following Senate Bill No. 2276.

## MOTIONS

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Sandison, Senator Washington was excused.

On motion of Senator Marsh, Senator Donohue was excused.

## SECOND READING

SENATE BILL NO. 2207, by Senators Goltz, Hayner, Wilson, Ridder, North, Guess, Buffington, Wojahn, Pullen and Day:

Withholding salary warrants of department of social and health services management personnel until timely payment is made to all vendors for personal services.

The bill was read the second time by sections.

On motion of Senator Mardesich, the following amendment was considered and adopted prior to consideration of the committee amendment:

On page 1, line 13, after "vendor" insert "who has rendered a proper billing which is not contested as to amounts, quality of services or charges"

## REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2207, withholding salary warrants of department of social and health services management personnel until timely payment is made to all vendors for personal services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 16, add a new paragraph to read as follows:

"Payments legally owing for more than sixty days to a vendor for personal services shall include interest at the rate of seven per cent per annum."

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Cunningham, North, Pullen, Ridder, Wojahn.

Senator Goltz moved adoption of the committee amendment.

On motion of Senator Mardesich, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 1, line 16 as follows:

On the first line of the amendment, strike "Payments" and insert "For uncontested payments"

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

On motion of Senator Goltz, Engrossed Senate Bill No. 2207 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 Goltz yield to a question? Senator Goltz, the bill reads that no salary warrant shall be issued to the secretary of the DSHS, deputy secretary, assistant secretary, regional administrator and so forth, until he or she shall have made and filed with the state treasurer an affidavit that no vendor is unpaid. Who is he or she in this case?"

Senator Goltz: "The secretary of the DSHS."

Senator Van Hollebeke: "OK, I don't think it reads all that clearly for that."

"Then the next question I have is, reading that sentence further, it says 'no warrant shall be paid to any of them or other management person responsible for processing and payment of vendor services.' Does that mean that all the typists and clerical help and so forth in the whole vendor payment process shall be denied their warrants if there is one warrant outstanding?"

Senator Goltz: "No, I think it does not mean that. I think the use of words 'management personnel', and there has been a suggestion that everybody in the chain should be held responsible, but in this particular case, it does not mean that. It means those that have managerial responsibility."

Senator Van Hollebeke: "How would you decide that?"

Senator Goltz: "That list would be determined by the department and would be filed with the treasurer."

Senator Van Hollebeke: "Thank you."

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Goltz yield to another question? Senator Goltz, it isn't clear in the bill — at what time would this start running for the sixty days, from the time that the person deposited his bill in the mail, or—?"

Senator Goltz: "I would assume that at the time when a person signs the voucher and puts it in the mail the time would start ticking. Sixty days from that point, that person should have a payment."

Senator Rasmussen: "And if the mail was not delivered, the penalty would still be the same?"

Senator Goltz: "I would assume that the sixty days allows for reasonable mail delivery times. Yes, I would say the penalty would be the same. If something is lost in the mail, I would assume that there would be some way to cover that particular exigency."

Senator Rasmussen: "And if you were an administrator, you had numerous things laying on your desk that you just did not get to at the proper time, would you, as an administrator, see that those became lost and then ask them to submit another bill because you couldn't find the original?"

Senator Goltz: "I don't think Secretary McNutt would do that."

Senator Rasmussen: "I am not talking about Secretary McNutt."

"The further question I had, is it anticipated that one form will be circulated, and that each person, from the secretary on down, would sign that. It would be a standard form. 'Everything has cleared my desk within the sixty days, and I expect my paycheck.' How would they handle that?"

Senator Goltz: "There would be an affidavit that would be signed and would be put into the treasurer's office. One person within the department could sign that affidavit, and it could cover all the persons in the management chain responsible for the payment."

Senator Rasmussen: "Thank you, Senator Goltz."

#### MOTION

Senator Newschwander moved Engrossed Senate Bill No. 2207 be rereferred to the Committee on Social and Health Services.

Debate ensued.

The motion by Senator Newschwander failed.

Further debate ensued.

#### MOTION

On motion of Senator Day, Engrossed Senate Bill No. 2207 was ordered placed on the third reading calendar for March 21, 1977.

#### SECOND READING

SENATE BILL NO. 2276, by Senators Herr, von Reichbauer and Day:  
Providing state aid for hemophilia victims.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2276 was referred to the Committee on Ways and Means.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 240.

#### THIRD READING

HOUSE BILL NO. 240, by Representatives King, Vrooman, May, Hughes, Lux and Martinis:

Regulating motor vehicles used by railroad companies to transport employees.

#### MOTION

On motion of Senator Henry, House Bill No. 240 was returned to second reading.

On March 7, 1977, the following committee amendment was adopted in the Senate:

On page 1, lines 5 and 6, after "means" strike "any self-propelled vehicle" and insert "those buses and trucks owned, operated and maintained by a railroad company which regularly transports railroad employees in other than the cab of such vehicle and"

On motion of Senator Henry, the Senate moved to reconsider the vote on adoption of that amendment.

On motion of Senator Henry, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 1, lines 5 and 6 as follows:

On line 4 of the amendment after "which" and before "transports" strike "regularly"

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

The remainder of the committee amendments were adopted on March 7, 1977 and not reconsidered.

On motion of Senator Henry, House Bill No. 240, 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. 240, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; excused, 9.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—38.

Voting nay: Senators Bluechel, Van Hollebeke—2.

Excused: Senators Bausch, Bottiger, Francis, Gaspard, Grant, Matson, Talley, Washington, Woody—9.

HOUSE BILL NO. 240, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3026, by Senators Rasmussen, Newschwander, Walgren, Buffington and Murray:

AN ACT Relating to the public utility excise tax; adding a new section to chapter 15, Laws of 1961 and to chapter 82.16 RCW; creating new sections; declaring an emergency; and prescribing an expiration date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3027, by Senators Monohon and Marsh:

AN ACT Relating to juvenile court; and adding a new section to chapter 13.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3028, by Senator Bausch:

AN ACT Relating to the use of revenue bonds; and amending section 3, chapter 59, Laws of 1957 as amended by section 2, chapter 183, Laws of 1959 and RCW 53.40.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3029, by Senator Day:

AN ACT Relating to handicapped persons; and adding a new chapter to Title 50 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3030, by Senator Day:

AN ACT Relating to building provisions for aged and handicapped persons; amending section 2, chapter 110, Laws of 1975 1st ex. sess. and RCW 70.92.110; amending section 4, chapter 110, Laws of 1975 1st ex. sess. and RCW 70.92.130; declaring an emergency; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3031, by Senator Day:

AN ACT Relating to vocational rehabilitation; amending section 2, chapter 189, Laws of 1971 ex. sess. as amended by section 98, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.360; adding new sections to chapter 43.20A RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3032, by Senator Day:

AN ACT Relating to an office of ombudsman for disabled citizens; and adding a new chapter to Title 74 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3033, by Senator Talley:

AN ACT Relating to cities and towns; amending section 35.13.171, chapter 7, Laws of 1965 as amended by section 14, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.171; and reenacting section 35.13.172, chapter 7, Laws of 1965 as amended by section 15, chapter 164, Laws of 1973 1st ex. sess. and by section 14, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.13.172.

Referred to Committee on Local Government.

SENATE BILL NO. 3034, by Senator Talley:

AN ACT Relating to cities and towns; amending section 35.13.171, chapter 7, Laws of 1965 as amended by section 14, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.171; and reenacting section 35.13.172, chapter 7, Laws of 1965 as amended by section 15, chapter 164, Laws of 1973 1st ex. sess. and by section 14, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.13.172.

Referred to Committee on Local Government.



SENATE BILL NO. 3035, by Senator Mardesich:

AN ACT Relating to campaign contributions; and adding a new section to chapter 1, Laws of 1973 and to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3036, by Senators Van Hollebeke and Mardesich:

AN ACT Relating to alcoholic beverage control; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010.

Referred to Committee on Commerce.

SENATE BILL NO. 3037, by Senator Pullen:

AN ACT Relating to dogs; and amending section 5, chapter 198, Laws of 1929 and RCW 16.08.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3038, by Senators Bottiger and Mardesich:

AN ACT Relating to costs and fees; and adding a new section to chapter 4.84 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3039, by Senators Bottiger and Mardesich:

AN ACT Relating to costs and fees; and adding a new section to chapter 4.84 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3040, by Senator Mardesich:

AN ACT Relating to the state board of geographic names; and amending section 2, chapter 178, Laws of 1973 1st ex. sess. as amended by section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020.

Referred to Committee on State Government.

SENATE BILL NO. 3041, by Senators Van Hollebeke and Mardesich:

AN ACT Relating to alcoholic beverage control; and adding a new section to chapter 66.04 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3042, by Senator Ridder:

AN ACT Relating to public employee collective bargaining; and amending section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440.

Referred to Committee on Labor.

SENATE BILL NO. 3043, by Senator Ridder:

AN ACT Relating to public employees collective bargaining; amending section 1, chapter 5, Laws of 1975 2nd ex. sess. and RCW 41.58.010; amending section 2, chapter 5, Laws of 1975 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.015; repealing section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; and repealing section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

Referred to Committee on Labor.

SENATE BILL NO. 3044, by Senators Sellar and Ridder:

AN ACT Relating to medical aid; and amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030.

Referred to Committee on Labor.

SENATE BILL NO. 3045, by Senator Ridder:

AN ACT Relating to educational employment relations; and amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120.

Referred to Committee on Labor.

SENATE BILL NO. 3046, by Senator Ridder:

AN ACT Relating to public employee collective bargaining; and amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450.

Referred to Committee on Labor.

SENATE BILL NO. 3047, by Senators Washington and Morrison:

AN ACT Relating to revenue and taxation; amending section 3, chapter 87, Laws of 1970 ex. sess. as amended by section 3, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.030; amending section 4, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.035; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3048, by Senator Jones:

AN ACT Relating to civil procedure; amending section 7, chapter 60, Laws of 1929 and RCW 4.56.210; and repealing section 8, chapter 60, Laws of 1929, section 18, chapter 81, Laws of 1971 and RCW 4.56.225.

Referred to Judiciary Committee.

SENATE BILL NO. 3049, by Senators Bausch and Morrison:

AN ACT Relating to accountancy; amending section 4, chapter 226, Laws of 1949 and RCW 18.04.050; amending section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120; amending section 12, chapter 226, Laws of 1949 and RCW 18.04.130; amending section 17, chapter 226, Laws of 1949 and RCW 18.04.180; amending section 18, chapter 226, Laws of 1949 and RCW 18.04.190; adding new sections to chapter 226, Laws of 1949 and to chapter 18.04 RCW; repealing section 20, chapter 226, Laws of 1949 and RCW 18.04.210; repealing section 22, chapter 226, Laws of 1949, section 26, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.230; repealing section 23, chapter 226, Laws of 1949 and RCW 18.04.240; repealing section 24, chapter 226, Laws of 1949 and RCW 18.04.250; repealing section 25, chapter 226, Laws of 1949 and RCW 18.04.260; and repealing section 26, chapter 226, Laws of 1949 and RCW 18.04.270.

Referred to Committee on Commerce.

SENATE BILL NO. 3050, by Senator Wilson:

AN ACT Relating to state route number 20; and amending section 17, chapter 51, Laws of 1970 ex. sess. as amended by section 13, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.080.

Referred to Committee on Transportation.

SENATE BILL NO. 3051, by Senators Odegaard, Donohue, Sandison and Guess:

AN ACT Relating to community colleges; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW:

Referred to Committee on Higher Education.

SENATE BILL NO. 3052, by Senators Scott and Donohue:

AN ACT Relating to retirement systems; amending section 9, chapter 274, Laws of 1947 as last amended by section 4, chapter 128, Laws of 1969 and RCW 41.40.080; amending section 8, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 103, Laws of 1973 1st ex. sess. and RCW 2.10.080; amending section 7, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.26.070; amending section 34, chapter

274, Laws of 1947 as last amended by section 12, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.330; amending section 43.43.220, chapter 8, Laws of 1965 as amended by section 2, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.220; adding a new section to chapter 41.50 RCW; repealing section 3, chapter 216, Laws of 1971 ex. sess., section 5, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.085; repealing section 41, chapter 80, Laws of 1947; section 19, chapter 274, Laws of 1955, section 12, chapter 14, Laws of 1963 ex. sess., section 13, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.410; declaring an emergency; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3053, by Senators Goltz, Odegaard and Scott:

AN ACT Relating to community colleges; amending section 32, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.850; amending section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 112, Laws of 1975 1st ex. sess. and RCW 28B.50.851; amending section 39, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.861; amending section 41, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.863; and creating a new section.

Referred to Committee on Higher Education.

SENATE BILL NO. 3054, by Senators Odegaard, Sandison, Morrison, Benitz and Donohue:

AN ACT Relating to revenue and taxation; reenacting and amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33-.060; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3055, by Senators Matson, Donohue and Clarke:

AN ACT Relating to the abolition of the forest practices appeals board; and creating new sections.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3056, by Senators Jones, Wanamaker, Gould, North, Bluechel, Morrison and Murray:

AN ACT Relating to performing arts center facilities; amending section 5, chapter 236, Laws of 1967 as amended by section 1, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.120; amending section 6, chapter 236, Laws of 1967 as amended by section 2, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.130; amending section 9, chapter 236, Laws of 1967 as amended by section 3, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.160; amending section 10, chapter 236, Laws of 1967 as amended by section 4, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.170; and amending section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210.

Referred to Committee on Local Government.

SENATE BILL NO. 3057, by Senator Francis:

AN ACT Relating to emergency medical treatment; adding a new section to chapter 4.24 RCW; and repealing section 4, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.220.

Referred to Judiciary Committee.

SENATE BILL NO. 3058, by Senators Sellar, Wilson and Wanamaker:

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. 3059, by Senators Herr, Murray and Day:

AN ACT Providing for municipal development of an integrated underground public parking and building project, providing public facilities and private uses to complement a civic center and the surrounding metropolitan area and authorizing the acquisition and transfer of property therefor and contracts appropriate thereto; creating new sections; adding new sections to chapter 35.21 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3060, by Senators Beck, Cunningham and Henry:

AN ACT Relating to motor vehicle lighting devices; and amending section 46.37.320, chapter 12, Laws of 1961 and RCW 46.37.320.

Referred to Committee on Transportation.

SENATE BILL NO. 3061, by Senator Van Hollebeke:

AN ACT Relating to arbitration; adding new sections to chapter 2.04 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3062, by Senators Rasmussen and Wojahn:

AN ACT Relating to public contracts; amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1975 1st ex. sess. and RCW 36.32.250; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3063, by Senators Day, Ridder and Grant:

AN ACT Relating to certification of nursing assistants in nursing homes; amending section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010; amending section 11, chapter 117, Laws of 1951 as amended by section 1, chapter 85, Laws of 1971 ex. sess. and RCW 18.51.100; adding new sections to chapter 18.51 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

## MOTION

On motion of Senator Day, Senator Goltz was permitted as an additional sponsor to Senate Bill No. 3063.

SENATE BILL NO. 3064, by Senators Walgren and Henry:

AN ACT Relating to the location of Washington state ferry system terminals; adding a new section to chapter 47.60 RCW; making an appropriation; declaring an emergency; and prescribing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3065, by Senators Murray, North, Gould and Buffington:

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3066, by Senators Walgren, Rasmussen, Clarke, Marsh, Talley and Newschwander:

AN ACT Relating to prosecuting attorneys; adding a new chapter to Title 36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3067, by Senators Walgren and Rasmussen:

AN ACT Relating to state government; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 and RCW 34.04.030; amending section 5, chapter 234, Laws of 1959 and RCW 34.04.050; adding a new section to chapter 1.08 RCW; creating a new chapter in Title 34 RCW; adding a new section to chapter 42.30 RCW; creating new sections; making appropriations; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3068, by Senators Gould and Beck (by Superintendent of Public Instruction request):

AN ACT Relating to education; and amending section 28A.01.020, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.01.020.

Referred to Committee on Education.

SENATE BILL NO. 3069, by Senator Henry:

AN ACT Relating to funding public transportation systems; amending section 4, chapter 111, Laws of 1965 ex. sess. as amended by section 4, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.95.040; and amending section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045.

Referred to Committee on Transportation.

SENATE BILL NO. 3070, by Senator Talley:

AN ACT Relating to shellfish; adding a new chapter to Title 75 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3071, by Senator Peterson:

AN ACT Relating to commercial fishing vessels, gear, licenses, and permits; amending section 2, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.500; amending section 3, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.505; amending section 4, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.510; amending section 9, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.535; amending section 10, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.540; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3072, by Senator Peterson:

AN ACT Relating to fisheries administration and enforcement; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 75.08.020, chapter 12, Laws of 1955 and RCW 75.08.020; adding a new section to chapter 75.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3073, by Senator Woody:

AN ACT Relating to drivers' licenses; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; and amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391.

Referred to Judiciary Committee.

SENATE BILL NO. 3074, by Senators Talley and Henry:

AN ACT Relating to taxation; and adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3075, by Senators Marsh, Talley and Henry:

AN ACT Relating to revenue and taxation; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 13, Laws of 1971 and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3076, by Senator Mardesich:

AN ACT Relating to boundaries and plats; and amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040.

Referred to Committee on Local Government.

SENATE BILL NO. 3077, by Senators Goltz, Wojahn and North:

AN ACT Relating to cities and towns; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3078, by Senator Pullen:

AN ACT Relating to crimes and criminal procedures; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 247, Laws of 1975 1st ex. sess. and RCW 9.79.170; amending section 5, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.180; amending section 6, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.190; amending section 7, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.200; amending section 8, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.210; amending section 9, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.220; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 103, Laws of 1975-'76 2nd ex. sess. and RCW 69.50.410; adding a new section to chapter 9.79 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3079, by Senator Walgren:

AN ACT Relating to the leasing of county property; and amending section 36.34.180, chapter 4, Laws of 1963 and RCW 36.34.180.

Referred to Committee on Local Government.

SENATE BILL NO. 3080, by Senator Bottiger (by Washington State Energy Office request):

AN ACT Relating to energy; amending section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030; amending section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; amending section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; amending section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; amending section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; adding new sections to chapter 43.21G RCW; adding a new section to chapter 43.21F RCW; adding a new chapter in Title 43 RCW; repealing section 1, chapter 207, Laws of 1961, section 12, chapter 108, Laws of

1975-'76 2nd ex. sess. and RCW 70.98.010; repealing section 2, chapter 207, Laws of 1961, section 1, chapter 88, Laws of 1965, section 13, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.020; repealing section 3, chapter 207, Laws of 1961, section 2, chapter 88, Laws of 1965 and RCW 70.98.030; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98-.040; repealing section 5, chapter 207, Laws of 1961, section 3, chapter 88, Laws of 1965, section 16, chapter 18, Laws of 1970 ex. sess., section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050; repealing section 8, chapter 207, Laws of 1961, section 5, chapter 88, Laws of 1965 and RCW 70.98.080; repealing section 9, chapter 207, Laws of 1961 and RCW 70.98.090; repealing section 10, chapter 207, Laws of 1961 and RCW 70.98.100; repealing section 11, chapter 207, Laws of 1961, section 6, chapter 88, Laws of 1965 and RCW 70.98.110; repealing section 12, chapter 207, Laws of 1961 and RCW 70.98.120; repealing section 13, chapter 207, Laws of 1961 and RCW 70.98.130; repealing section 14, chapter 207, Laws of 1961 and RCW 70.98.140; repealing section 15, chapter 207, Laws of 1961, section 7, chapter 88, Laws of 1965 and RCW 70.98.150; repealing section 16, chapter 207, Laws of 1961 and RCW 70.98.160; repealing section 17, chapter 207, Laws of 1961, section 27, chapter 77, Laws of 1973 and RCW 70.98.170; repealing section 18, chapter 207, Laws of 1961, section 8, chapter 88, Laws of 1965 and RCW 70.98-.180; repealing section 19, chapter 207, Laws of 1961 and RCW 70.98.190; repealing section 20, chapter 207, Laws of 1961 and RCW 70.98.200; repealing section 24, chapter 207, Laws of 1961, section 14, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.210; repealing section 21, chapter 207, Laws of 1961 and RCW 70.98.900; repealing section 23, chapter 207, Laws of 1961 and RCW 70.98-.910; repealing section 25, chapter 207, Laws of 1961 and RCW 70.98.920; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3081, by Senators Walgren and Van Hollebeke:

AN ACT Relating to liquor control.

Referred to Committee on Commerce.

SENATE BILL NO. 3082, by Senators Donohue, Rasmussen, Mardesich and Odegaard:

AN ACT Relating to the data processing authority.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3083, by Senator Walgren:

AN ACT Relating to bid procedures for construction of Washington state ferries.

Referred to Committee on Transportation.

SENATE BILL NO. 3084, by Senator Walgren:

AN ACT Relating to attorneys.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3085, by Senator McDermott:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3086, by Senators Bottiger, Lewis and Bausch:

AN ACT Relating to interim studies on energy, water and utilities.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3087, by Senator Day:

AN ACT Relating to the board of pharmacy.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3088, by Senator Van Hollebeke:  
AN ACT Relating to cosmetology.  
Referred to Committee on Commerce.

SENATE BILL NO. 3089, by Senators Bottiger, Lewis, Bausch and Gaspard:  
AN ACT Relating to liability for on-shore oil spills.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3090, by Senator Day:  
AN ACT Relating to the dental examining board.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3091, by Senator Grant:  
AN ACT Relating to campaign financing.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3092, by Senator Gaspard:  
AN ACT Relating to irrigation districts.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3093, by Senator Henry:  
AN ACT Relating to the construction of state ferries.  
Referred to Committee on Transportation.

SENATE BILL NO. 3094, by Senator Gaspard:  
AN ACT Relating to emergency water permits.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3095, by Senator Henry:  
AN ACT Relating to the Washington state ferries.  
Referred to Committee on Transportation.

SENATE BILL NO. 3096, by Senators Morrison and Gaspard:  
AN ACT Relating to the development of land for agricultural purposes.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3097, by Senator Benitz:  
AN ACT Relating to vocational education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 3098, by Senator Herr:  
AN ACT Relating to insurance.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3099, by Senator Benitz:  
AN ACT Relating to agriculture.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3100, by Senator Day:  
AN ACT Relating to congregate care.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3101, by Senator Odegaard and Sandison:  
AN ACT Relating to community colleges.  
Referred to Committee on Higher Education.

SENATE BILL NO. 3102, by Senator Washington:  
AN ACT Relating to weather modification.  
Referred to Committee on Ecology.

SENATE BILL NO. 3103, by Senator Peterson:  
AN ACT Relating to the reuse of the northern state hospital.  
Referred to Committee on Social and Health Services.



SENATE BILL NO. 3104, by Senator Hayner:  
AN ACT Relating to the juvenile justice system.  
Referred to Judiciary Committee.

SENATE BILL NO. 3105, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 3106, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 3107, by Senator Peterson:  
AN ACT Relating to fisheries.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 3108, by Senator Gaspard:  
AN ACT Relating to interim studies relating to agriculture.  
Referred to Committee on Agriculture.

SENATE JOINT RESOLUTION NO. 124, by Senators Walgren, Matson, Marsh, Sandison, Clarke, Odegaard, Jones, Bottiger, Grant, Gould, Rasmussen, North, Van Hollebeke, Buffington, Day, Cunningham, Wilson, Bluechel, Goltz, Benitz, Mardesich, Murray, Talley, Morrison, Henry, Sellar, von Reichbauer, Newschwander, Gaspard, Scott, McDermott, Wanamaker, Guess, Peterson, Herr, Beck, Lewis, Donohue, Keefe, Hayner and Washington:

Revising convening procedure and duration of legislative sessions.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 115, by Senator Mardesich:  
Directing the department of fisheries to abstain from entering into any long term fishery compact until litigation regarding Indian fishing rights is settled.

Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, by Committee on Transportation (originally sponsored by Representatives Kilbury, Boldt and Martinis):

Requiring speedometers on locomotives.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161, by Committee on Financial Institutions (originally sponsored by Representatives Gaines, Charette, Deccio and Moreau):

Liberalizing the mutual savings bank law.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 335, by Representatives Bauer, Bender, Lee and Gilleland:  
Modifying the procedure for awarding public works contracts by cities and towns of the second, third, and fourth class.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 459, by Representatives Conner, Pearsall, Kilbury, Thompson, Moreau, Nelson (Dick) and Lux:

Affecting workmen's compensation where a change of circumstances has occurred.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 572, by Committee on Insurance (originally sponsored by Representative Douthwaite):

Permitting variable interest loans on life insurance.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 716, by Representatives Shinpoch and Hanna:

Providing for the issuance of bonds to pay for the construction of a visitor's parking garage.

Referred to Committee on State Government.

#### MOTIONS

On motion of Senator Herr, the Committee on Commerce was relieved from further consideration of Senate Bill No. 3001.

On motion of Senator Herr, Senate Bill No. 3001 was referred to the Committee on Ways and Means.

#### APPOINTMENT OF COMMITTEE

The President appointed under provisions of Senate Concurrent Resolution No. 101, the joint legislative committee on Washington/British Columbia Governmental Cooperation, the following members: Senators Goltz, Clarke and Wilson.

#### MOTION

On motion of Senator Walgren, the appointments were confirmed.

#### MOTION

At 1:07 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, March 21, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## ELEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 21, 1977.

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 Fleming, Grant, Jones, Mardesich and Woody. On motion of Senator Newschwander, Senator Jones was excused.

The Color Guard, consisting of Pages Lisa Dracobly and Leigh Dyer, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD WE RECALL TODAY THAT A FEW WEEKS AGO ON MARCH 5TH, A LARGE HEADLINE IN A DAILY NEWSPAPER ASKED THE QUESTION . . . 'ARE THE GHOSTS OF JOHN CALVIN, ST. THOMAS AQUINAS AND MARTIN LUTHER WANDERING THE MARBLE HALLS OF THE LEGISLATIVE BUILDING?' THE ARTICLE DID POINT OUT WE ARE ALL INFLUENCED IN OUR UNDERSTANDING OF CHURCH AND GOVERNMENT BY OUR RELIGIOUS TRAINING OR LACK OF IT. WE ASK YOU THEN LORD TO COME TO THE ASSISTANCE OF THE LEGISLATORS WHO APPROACH PROBLEMS WITH VARYING VIEWPOINTS AND PHILOSOPHIES. THEIR TASK IS AN EXTREMELY COMPLICATED ONE. ABOVE THE MANY VOICES THAT SPEAK TO THEM, MAY THEY FIND TIME TO REFLECT, TIME TO LISTEN TO YOU SPEAKING TO THE HEART OF EACH. AMEN."

### MOTION

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

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 18, 1977.

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

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

Mr. Alfred Harsch, reappointed to the Public Disclosure Commission for a term beginning March 8, 1977 and ending December 31, 1977.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Constitution and Elections.

March 18, 1977.

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

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

Ms. Patricia Hite, appointed to the Board of Trustees for the Whatcom Community College, District No. 21, succeeding Stanley Brunner for a term beginning March 7, 1977 and ending April 3, 1979.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

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

Mr. Paul Emondson, appointed to the Board of Trustees for the Yakima Valley Community College, District No. 16, succeeding Yoshio Hata for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

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

Daniel V. Carbone, reappointed to the Board of Trustees for the Seattle Community College, District No. 6, for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

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

Ms. Mary McKinley, appointed to the Board of Trustees for the Bellevue Community College, District No. 8, succeeding Richard Adams for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

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

Ms. Rosemary Smith, appointed to the Board of Trustees for the Lower Columbia Community College, District No. 8, succeeding Dennis Pittelko for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Rowena Christenson, appointed to the Board of Trustees for the Big Bend Community College, District No. 18, succeeding Jane Romano for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. M. Chandler Redman, appointed to the Board of Trustees for the Olympic Community College, District No. 3, succeeding Robert Koch for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. David C. Van Hoose, appointed to the Board of Trustees for the Highline Community College, District No. 9, succeeding Edward LePenske for a term beginning March 7, 1977 and ending April 3, 1979.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Jack Cole, appointed to the Board of Regents, Washington State University, succeeding Dr. H. H. Hayner for a term beginning March 10, 1977 and ending March 9, 1983.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Bob J. Mickelson, appointed to the Board of Trustees for the Walla Walla Community College, District No. 20, succeeding Thomas C. Baker for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Myron Stevens, reappointed to the Board of Trustees for the Shoreline Community College, District No. 7, for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. George L. Bradley, appointed to the State Board of Pharmacy, succeeding Phillip Nudelman for a term beginning March 8, 1977 and ending January 18, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Jane Hughes, appointed to the Board of Trustees for the Peninsula Community College, District No. 1, succeeding Gerald A. Hunt for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Arthur Siegal, reappointed to the Board of Trustees for the Seattle Community College, District No. 6, for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Patricia McGlashan, appointed to the Board of Trustees for the Bellevue Community College, District No. 8, succeeding C. W. Duffey for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Dorothy M. Knechtel, appointed to the Board of Trustees for the Spokane Community College, District No. 17, succeeding Nancy Burnett for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Gordon C. Culp, appointed to the Board of Regents, University of Washington, succeeding R. Robert Flennaugh for a term beginning March 8, 1977 and ending March 9, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

March 18, 1977.

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

LADIES AND GENTLEMEN:

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

Cherry Jarvis, appointed to the Board of Trustees for the Shoreline Community College, District No. 7, succeeding Iva Knutsen for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

#### MESSAGE FROM THE HOUSE

March 18, 1977.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 225,  
ENGROSSED HOUSE BILL NO. 236,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 261,  
SUBSTITUTE HOUSE BILL NO. 318, and  
ENGROSSED HOUSE BILL NO. 559, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 225, by Committee on Higher Education (originally sponsored by Representatives Burns, Lux, Zimmerman, Chandler, Gruger, Pruitt and Sanders) (by Commission on Asian-American Affairs request):

Granting resident status to immigrant refugees for college tuition.  
Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 236, by Representatives Shipoch, Flanagan, Thompson, Amen, Knedlik, Polk, Deccio, Ehlers and Knowles (by Legislative Budget Committee request):

Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.

#### MOTION

On motion of Senator Marsh, Engrossed House Bill No. 236 was referred to the Committee on Ways and Means.



ENGROSSED SUBSTITUTE HOUSE BILL NO. 261, by Committee on Natural Resources (originally sponsored by Representatives Smith, Martinis, Conner, Nelson (Gary), Kilbury, Wilson, Oliver, Greengo, Knedlik, Hughes, Gilleland, Bond, Haley, Fuller, Flanagan, Gaines, Clemente and Sanders):

Authorizing private ownership and operation of release-recapture salmon rearing facilities.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik):

Permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 559, by Representatives Ehlers, Berentson, Taller, Whiteside, Grimm and Gaines:

Adding a retired person to the state employees' insurance board.

Referred to Committee on State Government.

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

#### REPORTS OF STANDING COMMITTEE

March 17, 1977.

SENATE BILL NO. 2217, authorizing travel and living expenses for candidates for administrative positions in public hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, Monohon, Wojahn.

Passed to Committee on Rules for second reading.

March 17, 1977.

SENATE BILL NO. 2351, fixing state reimbursement rate for nursing care (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and that the bill be referred to committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, Monohon, North, Van Hollebeke, Wojahn.

There being no objection, Senate Bill No. 2351 was referred to the Committee on Ways and Means.

March 15, 1977.

SENATE BILL NO. 2444, authorizing an involuntary treatment program for recidivist alcoholics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL NO. 2452, authorizing reasonable restraint of persons incapacitated by alcohol by medical personnel and limiting liability for actions in the course of official duty (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, McDermott, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 12:05 p.m.

The President declared the Senate to be at ease.

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

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 2081, by Senator Francis:

Creating warrant server positions for municipal courts of large cities.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2081 was ordered to hold its place on the second reading calendar for March 22, 1977.

#### SECOND READING

SENATE BILL NO. 2166, by Senators Odegaard, Donohue, Clarke and Woody (by Legislative Budget Committee request):

Transferring the powers, duties, and functions of the printing and duplicating committee to the newly-created printing and duplicating management center.

The bill was read the second time by sections.

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

On page 2, line 16, after "state" and before "shall" strike "official or agency of the state" and insert "agency, as defined in RCW 43.19.560(2),"

On motion of Senator Odegaard, Engrossed Senate Bill No. 2166 was advanced to third reading, the second 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. 2166, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senators Fleming, Grant, Mardesich, Woody—4.

Excused: Senator Jones—1.

ENGROSSED SENATE BILL NO. 2166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Odegaard, Senators Fleming, Grant, Mardesich and Woody were excused.

#### SECOND READING

SENATE BILL NO. 2168, by Senators Odegaard, Donohue and Clarke (by Legislative Budget Committee request):

Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.

#### MOTION

On motion of Senator Marsh, Senate Bill No. 2168 was rereferred to the Committee on Rules.

#### MOTION

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

#### THIRD READING

ENGROSSED SENATE BILL NO. 2207, by Senators, Goltz, Hayner, Wilson, Ridder, North, Guess, Buffington, Wojahn, Pullen and Day:

Withholding salary warrants of department of social and health services management personnel until timely payment is made to all vendors for personal services.

The Senate resumed consideration of Engrossed Senate Bill No. 2207. On March 18, 1977, the bill was amended and advanced to third reading and held for consideration today.

#### MOTIONS

On motion of Senator Goltz, the bill was returned to second reading.

On motion of Senator Goltz, the following amendment by Senators Bluechel, Guess and Goltz was adopted:

Beginning on line 8 of both the engrossed and printed bill, strike the remainder of the bill and insert:

"The legislature finds that in many instances there is a lack of prompt processing and payment of vendor services by the department of social and health services. Therefore, a vendor who has furnished services to the department of social and health services for payment of which the department is liable, and who has not been paid for such services sixty days after the department has been billed for such services, shall be entitled to receive on such debt interest computed at the rate of nine percent per annum from the date of receipt of the original billing to the date of payment.

When payment for vendor services is not made within the sixty-day period, the individual(s) responsible for the processing and/or payment of those services shall file an affidavit stating the reason or reasons which prevented the timely payment. Copies of this affidavit shall be forwarded to the secretary of the department of social and health services and to the legislative budget committee at the time payment is made to the vendor."

On motion of Senator Goltz, Reengrossed Senate Bill No. 2207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hayner: "Mr. President, would Senator Goltz yield to a question, please? If it is necessary to pay interest for failure to having made their required payment, would that amount come from the DSHS budget? Appropriations?"

Senator Goltz: "The answer is obviously that it would come from the DSHS budget, but I am assuming that the control of the reporting and the embarrassment of having to pay interest after sixty days will restrict this to a very few cases."

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2207, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent of not voting: Senator McDermott—1.

Excused: Senators Fleming, Grant, Jones, Mardesich, Woody—5.

REENGROSSED SENATE BILL NO. 2207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2286.

#### SECOND READING

SENATE BILL NO. 2286, by Senators Odegaard and Francis:  
Revising law relating to regulation of the funeral business.

#### REPORT OF STANDING COMMITTEE

February 16, 1977.

SENATE BILL NO. 2286, revising law relating to regulation of the funeral business (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, strike "examining committee" and insert "((examining committee)) board of funeral directors and embalmers"

On page 2, line 23, after "advertising" and before the semicolon insert "or the sale of preneed funeral plans"

On page 3, line 8, before the semicolon insert ", without the written consent of next of kin"

On page 5, line 33, after "whom" strike "may" and insert "shall"

Signed by: Senators Day, Chairman; Buffington, Francis, Gould, Herr, North, Ridder, Wojahn.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment to page 1, line 19 was adopted.

On motion of Senator Day, the remainder of the committee amendments were adopted.

On motion of Senator Day, Engrossed Senate Bill No. 2286 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Benitz: "Would Senator Day yield to a question? Senator Day, I note that this transfers the rule making authority from the existing state examining committee to the state board of funeral directors and embalmers. Does this abolish the state examining committee?"

Senator Day: "Yes, Senator Benitz, and replaces it with a board. This has happened with a number of these professional groups, in this instance, this is exactly what is happening here. It gives the new board the opportunity to examine and to write rules relative to a number of subjects including examination and the disposition of human remains."

Senator Benitz: "Thank you. One further question, then we are not necessarily creating a new state agency here?"

Senator Day: "No. We are merely replacing the existing one with a stronger one."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2286, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn.42.

Voting nay: Senators McDermott, Talley—2.

Excused: Senators Fleming, Grant, Jones, Mardesich, Woody—5.

ENGROSSED SENATE BILL NO. 2286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2294, by Senator Francis, Clarke and Van Hollebeke (by Judicial Council request):

Pertaining to selection of jurors.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill 2294 was advanced to third reading, the second 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. 2294, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Excused: Senators Fleming, Grant, Jones, Mardesich, Woody—5.

SENATE BILL NO. 2294, having received the constitutional 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 12:42 p.m., on motion of Senator Walgren, 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 Clarke, Senator Cunningham was excused.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2121.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2121, by Committee on State Government (originally sponsored by Senators Scott, Marsh, Clarke and Odegaard) (by Legislative Budget Committee request):

Restricting printing and distribution of state reports and publications.

The Senate resumed consideration of Substitute Senate Bill No. 2121. On March 18, 1977, an amendment to page 7, beginning on line 23 striking all of section 15 was adopted and an amendment to the title was also adopted at that time.

On motion of Senator Wilson, the following amendment by Senators Wilson and Scott was adopted:

On page 2, line 30, after "Public entity" strike the remainder of the sentence and insert "means any state agency."

Senator Scott moved adoption of the following amendment:

On page 7, line 13, after the period add the following: "Any state publication to be distributed to the public shall be mailed at the lowest available postal rate."

On motion of Senator Bottiger, the following amendment to the amendment by Senator Scott was adopted:

After "public" insert "and the legislature"

## POINT OF INQUIRY

Senator Francis: "Will Senator Scott yield? Senator Scott, does your amendment mean that any time that something is sent by any state agency or a person who

works for the state to any member of the public, it has to go bulk mail, or are you talking about just when it exceeds five or six persons that it has to be bulk mail?"

Senator Scott: "Talking about to the public. Any time that there is more than one individual involved it is a mail mailing. We are not talking about individual correspondence, letters. Again we are talking about printed material."

Senator Francis: "All right, what you are talking about then, is sending it at the least expensive means which may well be first class if it is less than a large number of people."

Senator Scott: "Yes."

The motion of Senator Scott carried and the amendment, as amended, was adopted.

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

On page 1, line 30, after "basis," insert "agricultural commodity commission,"

On motion of Senator Scott, Engrossed Substitute Senate Bill No. 2121 was advanced to third reading, the second 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. 2121, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senators Beck, Goltz, Sellar—3.

Excused: Senators Cunningham, Mardesich, Woody—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2245.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2245, by Committee on Education (originally sponsored by Senator McDermott, Walgren, Ridder, Buffington and Herr):

Implementing law relating to contract rights of employees in the common schools.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2245.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2245, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Herr, Keefe, McDermott, Monohon, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Donohue, Guess, Hayner, Henry, Jones, Lewis, Marsh, Matson, Morrison, Murray, Newschwander, Pullen, Sellar, Wanamaker, Wilson—19.

Excused: Senators Cunningham, Mardesich, Woody—3.

SUBSTITUTE SENATE BILL NO. 2245, having received the constitutional majority, was declared passed. 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 Engrossed Senate Bill No. 2184.

### THIRD READING

ENGROSSED SENATE BILL NO. 2184, by Senators Marsh, Jones and Bottiger:

Making certain changes in the laws relating to the registration of contractors.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2184.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2184, and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bausch, Beck, Day, Francis, Gaspard, Goltz, Grant, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Newschwander, Peterson, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wojahn—25.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Gould, Guess, Hayner, Lewis, Matson, Morrison, Murray, North, Odegaard, Pullen, Sandison, Scott, Washington, Wilson—21.

Excused: Senators Cunningham, Mardesich, Woody—3.

ENGROSSED SENATE BILL NO. 2184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### MOTION FOR RECONSIDERATION

On March 14, 1977, Substitute Senate Bill No. 2115, appropriating funds for desegregated purposes to a school district with an enrollment of 50,000 pupils failed to pass the Senate. On that day, Senator Newschwander served notice that he would move for reconsideration of the vote. On March 15, 1977, Senator McDermott moved for immediate reconsideration and Senator Ridder held that motion for



March 16, 1977. On March 17, 1977, Senator McDermott held the motion for reconsideration to March 21, 1977.

The President declared the question before the Senate to be the motion for reconsideration of the failure of Substitute Senate Bill No. 2115 to pass the Senate.

The motion for reconsideration carried on a rising vote.

### MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 2115 was returned to second reading.

Senator Odegaard moved the following amendments by Senators Odegaard, McDermott, Donohue and Jones be considered and adopted simultaneously:

On page 1, line 6, after "million" insert "fifteen thousand"

On page 1, line 25, after "goals" insert "PROVIDED, That fifteen thousand dollars, or so much thereof as may be necessary, shall be used for disbursement by April 15, 1977 to those school districts who in the determination of the superintendent of public instruction meet the following criteria, such apportionment to be based on each such district's estimated need: (1) Have not operated a student transportation program for at least one continuous month during the 1976-77 school year, and (2) have raised funds from private sources for the operation of their student transportation program by April 1, 1977, which funds are equal to at least twice the amount that such district or districts qualify for from this section: PROVIDED FURTHER, That districts qualifying for funds under this proviso are not subject to any of the reporting requirements or conditions described in Section 1 or Section 2 of this act."

### POINT OF ORDER

Senator Clarke: "I raise the question of scope and object in the particular amendment. The purpose of the original bill as set forth in section one is very plainly restricted to desegregation purposes, and I think that if we start opening this bill up to other types of appropriation, for other kinds of busing, that in reality we are creating a situation where there can be an unlimited amount of variant type of amendments that could be offered."

Debate ensued.

### MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 2115, together with the pending amendments by Senators Odegaard, McDermott, Donohue, and Jones and the Point of Order by Senator Clarke, was ordered held for further consideration March 22, 1977.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 280.

### THIRD READING

ENGROSSED HOUSE BILL NO. 280, by Representatives Martinis, Wilson, Moreau, Hughes, North and Schmitt:

Prohibiting an owner or harbinger of dogs to permit such dogs to pursue or injure deer or elk.

## MOTIONS

On motion of Senator Sandison, Engrossed House Bill No. 280 was returned to second reading.

Senator Sandison moved the two amendments by Senator Sandison adopted by the Senate on March 4, 1977, be not adopted.

## PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry. I am all in accordance with what Senator Sandison has said, but I am wondering about the status of this particular bill which was in conference and died during the constitutional session. It has been repassed by the House and I would assume that as repassed by the House it was in its original state, and therefore it is before us in that condition. For that reason it doesn't seem to me it is necessary for us to do anything about the purported amendments that we were talking about last session, and that all we need to do is to in effect make the amendment proposed by Senator Sandison. This bill really, has come back from the House. It hasn't gone to committee, it has come directly back here to the floor, but I would assume that it comes to the floor in the condition that it passed the House which, I think, would be without the amendment that we put on it last session."

## POINT OF INQUIRY

Senator Talley: "Would Senator Sandison yield? Senator Sandison, I built a home about six years ago, and I planted eleven or twelve fruit trees. For the first couple of years I couldn't get any leaves or limbs on them because the deer ate them off. I could have planted beans and used them for bean poles. I have a dog, and I got a dog for the express purposes of running the deer off so I could raise some fruit trees. Does this exclude my dog from chasing those deer away from my fruit trees?"

Senator Sandison: "It is commonly accepted, I think, that when they chase them away from your fruit trees, they are not really chasing the deer, they are merely scaring them off."

## MOTION

On motion of Senator Bottiger, Engrossed House Bill No. 280, together with the motion by Senator Sandison and the parliamentary inquiry by Senator Clarke, was ordered held for further consideration March 22, 1977.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Resolution No. 109.

## THIRD READING

SENATE JOINT RESOLUTION NO. 109, by Senators Donohue, Mardesich, Woody, Scott and Odegaard:

Pertaining to state debt limitations.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 109.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 109, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Gould, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Wilson, Wojahn—34

Voting nay: Senators Bluechel, Clarke, Fleming, Goltz, Grant, Guess, Herr, Murray, Ridder, Van Hollebeke, von Reichbauer, Washington—12.

Excused: Senators Cunningham, Mardesich, Woody—3.

SENATE JOINT RESOLUTION NO. 109, having received the constitutional two-thirds majority, was declared passed.

## MOTION

At 3:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, March 22, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWELFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 22, 1977.

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 Donohue, Fleming, Herr, Mardesich and McDermott. On motion of Senator Odegaard, Senators Donohue, Fleming, Herr, Mardesich and McDermott were excused.

The Color Guard, consisting of Pages Paula Beebe and Marcus Badley, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"WE RECALL TODAY, ALMIGHTY GOD, GIVER OF EVERY GOOD GIFT, THAT THE PEOPLE OF ROTTERDAM GATHERED AROUND AN EIGHTY-EIGHT YEAR OLD MAN LAST WEEK TO DEDICATE A STATUE TO HIS DAUGHTER, ANNE FRANK. WHILE SHE HID FROM THE NAZIS SHE WROTE HER DIARY EXPRESSING HOPE FOR A BETTER LIFE AHEAD. FARMERS WORRIED ABOUT THE DROUGHT, CITIZENS WORRIED ABOUT CRIME, THE ELDERLY AT HOME OR IN CONVALESCENT CENTERS AND THE UNEMPLOYED, THE PRISONERS IN OVERCROWDED JAILS ALL LOOK TO THE MEN AND WOMEN HERE PRESENT FOR HELP. WE ASK THEE, LORD, THAT YOU MAY BE WITH THEM AFTER TWO MONTHS OF INTENSIVE WORK AND GRANT THEM RENEWED COURAGE AND WISDOM TO MAKE THE DREAM OF ANNE FRANK, THE DREAM ALSO OF SO MANY IN OUR STATE A REALITY; THAT THEY RECEIVE HELP WITH THEIR PARTICULAR BURDEN IN LIFE. 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 GUBERNATORIAL APPOINTMENTS

March 21, 1977.

PATRICIA HITE, to the position of member of the Board of Trustees for Whatcom Community College, District No. 21, appointed by the Governor on March 7, 1977 for the term ending April 3, 1979, succeeding Stanley Brunner (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

MARY McKINLEY, to the position of member of the Board of Trustees for Bellevue Community College, District No. 8, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding Richard Adams (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

ROWENA CHRISTENSON, to the position of member of the Board of Trustees for Big Bend Community College, District No. 18, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980, succeeding Jane Romano (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

M. CHANDLER REDMAN, to the position of member of the Board of Trustees for Olympic Community College, District No. 3, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Robert Koch (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

DAVID C. VAN HOOSE, to the position of member of the Board of Trustees for Highline Community College, District No. 9, appointed by the Governor on March 7, 1977 for the term ending April 3, 1979, succeeding Edward LePenske (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

BOB J. MICKELSON, to the position of member of the Board of Trustees for Walla Walla Community College, District No. 20, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding Thomas C. Baker (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

MS. JANE HUGHES, to the position of member of the Board of Trustees for Peninsula Community College, District No. 1, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Gerald A. Hunt (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

PATRICIA McGLASHAN, to the position of member of the Board of Trustees for Bellevue Community College, District No. 8, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding C. W. Duffey (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

MS. DOROTHY M. KNECHTEL, to the position of member of the Board of Trustees for Spokane Community College, District No. 17, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980, succeeding Nancy Burnett (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

GORDON C. CULP, to the position of member of the Board of Regents, University of Washington, appointed by the Governor on March 8, 1977 for the term ending March 9, 1982, succeeding Dr. Robert Flenbaugh (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

March 21, 1977.

CHERRY JARVIS, to the position of member of the Board of Trustees for Shoreline Community College, District No. 7, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Iva Knutsen (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

#### MOTION

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

## MOTION

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

## SENATE RESOLUTION 1977-19

By Senators Cunningham, Day and Walgren:

WHEREAS, The Food and Drug Administration has abruptly banned the distribution of saccharin products in the United States for the publicly stated reason that a white rat in a Canadian test laboratory developed a malignant tumor after being injected with a quantity of saccharin equivalent to a human consuming diet pop at the rate of 800 cans per day; and

WHEREAS, The FDA action was mandated by the so-called Delaney Amendment to the Food, Drug and Cosmetic Act of 1938 which requires any substance that caused cancer in man or animal to be entirely eliminated from food; and

WHEREAS, Several million diabetics in this country have been using saccharin as it is the only approved artificial sweetener since in a similar cavalier manner the federal bureaucracy banned the distribution of cyclamates; and

WHEREAS, Not one human death or illness has been related to the use of saccharin; and

WHEREAS, The unfortunate results of hasty action of the federal bureaucracy has been clearly demonstrated in the past as in the infamous cranberry foul-up and the swine flu inoculation program; and

WHEREAS, In the face of the overwhelming evidence of the health hazards of smoking, the cigarette industry continues to market its products subject only to placing a warning on the label; and

WHEREAS, The citizens of this country have the right to the food products of their choice and as the duly elected representatives of the citizens of the State of Washington we are obligated to inform the Congress in no uncertain terms of our concern with the absurdity of the situation created by the Delaney Amendment;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington opposes this banning of the distribution of saccharin products and strongly urges the Congress to enact legislation to remedy the unwarranted effects of the Delaney Amendment; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered forthwith to all members of the Washington State Congressional delegation.

## MOTION

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 21, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 21, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2190: Relating to state government.

SENATE BILL NO. 2225: Relating to Washington State University.

SENATE BILL NO. 2005: Relating to counties.

SUBSTITUTE SENATE BILL NO. 2019: Relating to legal publications.

SENATE BILL NO. 2074: Relating to hospitals.

SENATE BILL NO. 2091: Relating to the hospital commission.

Sincerely,  
 JOE ZASPEL  
 Legislative Assistant.

MESSAGES FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 9, 1977.

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

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

Mrs. Ann McLean, appointed February 3, 1977, for a term ending February 3, 1983, succeeding Howard S. Wright as a member of the Horse Racing Commission.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on State Government.

Office of the Governor, March 21, 1977.

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

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

Alan P. Vandevent, appointed to the Board of Trustees for the Tacoma Community College, District No. 22, succeeding Lewis Hatfield, for a term beginning March 7, 1977 and ending April 3, 1978.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 21, 1977.

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

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

Gerald R. Brunstrom, appointed to the Board of Trustees for the Highline Community College, District No. 9, succeeding Rosalie Luce, for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 21, 1977.

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

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



Glenn Correa, reappointed March 18, 1977, for a term ending March 1, 1979, succeeding Robert Tenney as a member of the Board of Tax Appeals.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, March 21, 1977.

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

LADIES AND GENTLEMEN:

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

David T. Moody, reappointed to the Board of Trustees for the Big Bend Community College, District No. 18, for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 21, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Beverly Schoenfeld, reappointed to the Board of Trustees for the Green River Community College, District No. 10, succeeding herself for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2418.

### THIRD READING

ENGROSSED SENATE BILL NO. 2418, by Senators Walgren, Murray, Woody, Clarke and Henry:

Revising the laws relating to criminal justice training.

### MOTIONS

On motion of Senator Pullen, Engrossed Senate Bill No. 2418 was returned to second reading.

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

On page 2, line 10 of both the printed and engrossed bills, after "with" and before "standards" insert "training"

## PARLIAMENTARY INQUIRY

Senator Woody: "Mr. President, may I ask as an inquiry as to whether the word 'volunteer' on page one, line eighteen is still stricken?"

## REPLY BY THE PRESIDENT

President Cherberg: "The word 'volunteer' has not been stricken, Senator Woody."

Debate ensued.

## MOTION

At 10:35 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

## NOON SESSION

The President called the Senate to order at 12:00 noon.  
The Senate resumed consideration of the following bill:

ENGROSSED SENATE BILL NO. 2418, by Senators Walgren, Murray, Woody, Clarke and Henry:

Revising the laws relating to criminal justice training.

Prior to recess, Engrossed Senate Bill No. 2418 was returned to second reading and the following amendment by Senator Pullen was adopted:

On page 2, line 10 of both the printed and engrossed bills, after "with" and before "standards" insert "training"

## REMARKS BY THE PRESIDENT

President Cherberg: "The President would like to point out first to the members, and especially to Senator Woody, that the Secretary advises that an amendment is not necessary."

On motion of Senator Francis, the rules were suspended, Reengrossed Senate Bill No. 2418 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. 2418, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wojahn, Woody—38.

Voting nay: Senators Matson, Newschwander, Pullen, Rasmussen, Sellar, von Reichbauer, Wilson—7.

Excused: Senators Bottiger, Donohue, Fleming, Herr—4.

REENGROSSED SENATE BILL NO. 2418, having received the constitutional majority, was declared passed. 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. 2081.

## SECOND READING

SENATE BILL NO. 2081, by Senator Francis:

Creating warrant server positions for municipal courts of large cities.

The bill was read the second time by sections.

Senator Francis moved adoption of the following amendment:

On page 1, line 11, after "vested" insert "only"

## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a question? Senator Francis, that previous bill required training for law officers. Would these warrant servers and arrestors have the same training?"

Senator Francis: "They would not, Senator Rasmussen, and this is why these warrant servers would be limited to the Seattle municipal court only which has been a fairly innovative court. They are the ones that have tried a number of approaches to try to solve some of the problems that we have around the state, and some of them have been adopted by other courts. This warrant server thing is one of those, and the idea is to save the highly trained officers for positions that require training and let these warrant servers serve the warrants and handle just that alone."

Senator Rasmussen: "Senator Francis, a further question. It is my understanding that these warrants may be served statewide under the present law?"

Senator Francis: "Only within the terms provided in the statute. In other words, the Seattle municipal court would not have the authority to let warrant servers serve statewide unless that was agreed to by the jurisdiction that they went to. It is provided for in the bill that a jurisdiction that they went to and asked for this permission could refuse that and could require them to use a deputy sheriff or some other sworn personnel."

Senator Rasmussen: "That is my concern is some people object violently to these people that they have no knowledge of arriving from some other part of the state and serving a Seattle warrant, and yet you are having these people, untrained in law enforcement, they have no knowledge of how to disarm somebody or how to successfully make a peaceable arrest, and you are sending them out serving these warrants. I am just questioning this whole process."

Senator Francis: "Well, I think there is some value in questioning it, and I think on the other hand this is something that we ought to let the Seattle municipal court try and see how it works. It seems that they have done very well with the magistrate's approach where people have been able to come in and discuss their ticket or their citation with a magistrate, and this has resolved many cases that used to go to court. They have been successful in a number of other innovations and I think this is one. I would hope that we would adopt this amendment, and then we can look at the merits of the bill as a whole."

## POINT OF INQUIRY

Senator Pullen: "Mr. President, would Senator Francis yield to a question? Senator Francis, are these warrant servers armed?"

Senator Francis: "It is my understanding that they are not armed, and I am not sure about that, but it was my understanding they were not armed."

Senator Pullen: "If Senate Bill 2418 were to become law this session, would the warrant servers be under the purview of Senate Bill 2418?"

Senator Francis: "Are you referring to the criminal justice training bill?"

Senator Pullen: "Yes."

Senator Francis: "It is not our intention that they be required to complete a criminal justice training. In fact, that is the idea of this bill is to be able to have warrant servers who are paid less because they are not as highly trained."

Senator Pullen: "Thank you."

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Francis yield? Would the warrant officers provided for under this bill be eligible for the LEOFF system for retirement purposes?"

Senator Francis: "There is no provision in this bill to put them in the LEOFF system. It is my understanding that they are not eligible to be under LEOFF."

#### POINT OF INQUIRY

Senator Hayner: "Mr. President, would Senator Francis yield, please? The bill states that they would be peace officers of the state of Washington. You do not assume that they would therefore be under the state system?"

Senator Francis: "I not only do not assume that, Senator Hayner, but it is my understanding that they would not be. The amendment which we are in the process of adopting would say that they will be vested only with the special authority to make arrests authorized by the warrants which they have been directed to serve by courts created by chapter 35.20 RCW."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a further question? Senator Francis, in line ten, 'Said warrant servers shall hereby be peace officers of the state of Washington,' as Senator Hayner just mentioned. This would automatically give them access to police permits for carrying weapons, and they would have no knowledge of whether the warrant server decided for his own protection he had better carry a weapon."

Senator Francis: Senator Rasmussen, as of the present time, any citizen with very few exceptions is entitled to a permit to carry a concealed weapon. I certainly wouldn't want to have them have fewer rights than any citizen. There is nothing that expressly authorizes it here, but I don't see anything that expressly prohibits it either.

"If there is some concern about the LEOFF system which Senator Hayner raised, then I would suggest that we might want to hold this at least a little while on the calendar while we get a chance to get some response on that, and as such, I would move, Mr. President, that this bill hold its place on the calendar. I would like to adopt the amendment first, if we may, and then maybe I can ask that it be held."

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

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

On page 1, line 12, after "arrests" strike the remainder of the sentence and insert "authorized by the warrants which they have been directed to serve by courts created by chapter 35.20 RCW."

#### MOTION

On motion of Senator Francis, Senate Bill No. 2081, as amended, was ordered to hold its place on the second reading calendar for March 23, 1977.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2295.

## SECOND READING

SENATE BILL NO. 2295, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Allowing joinder or cross-filing by additional parties in action to review administrative decision.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2295 was advanced to third reading, the second 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. 2295, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Donohue, Fleming, Herr—3.

SENATE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2299, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Allowing review of agency action in the court of appeals.

## REPORT OF STANDING COMMITTEE

March 1, 1977.

SENATE BILL NO. 2299, allowing review of agency action in the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, after "court," strike "a party may seek review of" and insert "any party may request that the court of appeals be the court to initially review"

Signed by: Senators Marsh, Vice Chairman; Buffington, Clarke, Jones, 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, Engrossed Senate Bill No. 2299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2299, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Fleming, Herr—3.

ENGROSSED SENATE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2831, by Senators McDermott, Gould, Gaspard, Murray and Grant (by Superintendent of Public Instruction request):

Making changes in the RCW code to reflect other laws relating to education.

The bill was read the second time by sections.

On motion of Senator McDermott, Senate Bill No. 2831 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 McDermott yield? Senator McDermott, is it necessary to spell out what day that they celebrate or recognize Veteran's Day? The reason I am asking is that it may be some time in the future this may be changed or it may be that some schools are going to be in session on that day even though it is a holiday. Why not just leave it up to them to determine whether they could make better arrangements before or after or on the day?"

Senator McDermott: "The testimony in the committee from the superintendent's office, and this is a superintendent of public instruction request bill, is that there is confusion and that in an effort to standardize what is happening, they wanted to have the change in law. There is, I suppose, some possibility that Veteran's Day will someday be a holiday that is not a holiday, but I doubt that as long as the Senate exists."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2831, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Jones—1.

Excused: Senators Fleming, Herr—2.

SENATE BILL NO. 2831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2864, by Senator Bausch:

Requiring an accident report when a legally standing vehicle is involved in an accident.

The bill was read the second time by sections.

On motion of Senator Bausch, Senate Bill No. 2864 was advanced to third reading, the second 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. 2864, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Jones—1.

Excused: Senator Fleming—1.

SENATE BILL NO. 2864, having received the constitutional 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 12:35 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Resolution No. 108.

## SECOND READING

SENATE JOINT RESOLUTION NO. 108, by Senators Pullen, von Reichbauer, Ridder, Washington, Sellar, McDermott, Morrison, Benitz, Beck, Lewis, Guess, Goltz, Francis, Wilson, North, Mardesich, Henry, Van Hollebeke, Murray and Jones:

Amending the Constitution to permit legislators to hold a civil office notwithstanding that he served in a legislature which increased the emoluments thereof so long as the emoluments he receives are at the level designated prior to the increase.

The resolution was read the second time in full.

On motion of Senator Pullen, Senate Joint Resolution No. 108 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. 108, and the resolution passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Mardesich, Monohon, Peterson—3.

SENATE JOINT RESOLUTION NO. 108, having received the constitutional two-thirds majority, was declared passed.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2115.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2115, by Committee on Education (originally sponsored by Senators McDermott, Donohue, Buffington, Fleming and Francis):

Appropriating funds for desegregated purposes to a school district with an enrollment of 50,000 pupils.

The Senate resumed consideration of Substitute Senate Bill No. 2115. On March 14, 1977, Substitute Senate Bill No. 2115 failed to pass the Senate. On March 21, 1977, the Senate moved to reconsider the vote by which the bill failed to pass. At that time, on motion of Senator McDermott, the bill was returned to second reading and the following amendment by Senators Odegaard, McDermott, Donohue and Jones was moved for adoption:

On page 1, line 6, after "million" insert "fifteen thousand"

On page 1, line 25, after "goals" insert: **PROVIDED**, That fifteen thousand dollars, or so much thereof as may be necessary, shall be used for disbursement by April 15, 1977 to those school districts who in the determination of the superintendent of public instruction meet the following criteria, such apportionment to be based on each such district's estimated need: (1) Have not operated a student transportation program for at least one continuous month during the 1976-77 school year, and (2) have raised funds from private sources for the operation of their student transportation program by April 1, 1977, which funds are equal to at least twice the amount that such district or districts qualify for from this section: **PROVIDED FURTHER**, That districts qualifying for funds under this proviso are not subject to any of the reporting requirements or conditions described in Section 1 or Section 2 of this act."

At that time, Senator Clarke raised a Point of Order on the amendment by Senators Odegaard, McDermott, Donohue and Jones and the bill was held for a Ruling by the President.

## RULING BY THE PRESIDENT

President Cherberg: "Substitute Senate Bill number 2115, a point of order as presented by Senator Clarke. In ruling upon Senator Clarke's point of order on Senator Odegaard's amendment to Substitute Senate Bill 2115, the President finds that Substitute Senate Bill 2115 appropriates one million dollars for desegregation



purposes by busing to any first class school district having an enrollment of fifty thousand pupils or more.

"Senator Odegaard's amendment provides fifteen thousand dollars to school districts under fifty thousand for transportation of students in districts in which levy failures have forced discontinuation of busing.

"Therefore, the President believes the amendment does increase the scope and object of the bill and is thus out of order."

The amendment by Senators Odegaard, McDermott, Donohue and Jones was ruled out of order.

### MOTIONS

On motion of Senator Odegaard, Senator Peterson was excused.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 8, strike "fifty" and insert "ten"

### POINT OF INQUIRY

Senator Beck: "Thank you, Mr. President. Would Senator McDermott yield to a question, please? Senator McDermott, this bill authorizes the payment of transportation here for school districts with fifty thousand population or more. Is that fifty thousand dollar student figure, is that weighted enrollment or raw student?"

Senator McDermott: "That is FTE'S, raw, as you call it."

Senator Beck: "Raw students."

Senator McDermott: "Yes."

Senator Beck: "Thank you."

### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Bottiger yield? Senator Bottiger, why did you happen to choose a figure of ten thousand? Why not reduce it down to five hundred or whatever?"

Senator Bottiger: "Senator Odegaard, I picked it because, as I understood it in a quick analysis, those districts which have a racial imbalance problem generally tend to fall in the higher population levels or the central cities, the Everett, the Tacoma, the Yakima, Pasco situations. If you have some examples where you need to go from ten to five hundred and it is a racial integration problem, so that we stay within the scope and object of the act, I would have no objection."

Debate ensued.

### MOTION

Senator Herr moved that Substitute Senate Bill No. 2115 be ordered held for further consideration on second reading for March 23, 1977.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained by Senators Herr, Bottiger, Pullen, Goltz, Bausch, Walgren, Donohue, von Reichbauer and Rjdder.

The President declared the question before the Senate to be the motion by Senator Herr that Substitute Senate Bill No. 2115 be held for further consideration on the second reading calendar for March 23, 1977.

### ROLL CALL

The Secretary called the roll and the motion by Senator Herr failed by the following vote: Yeas, 9; nays, 37; absent or not voting, 2; excused, 1.

Voting yea: Senators Guess, Herr, Newschwander, Odegaard, Rasmussen, Talley, Wanamaker, Wilson, Wojahn—9.

Voting nay: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—37.

Absent or not voting: Senators Henry, Mardesich—2.

Excused: Senator Peterson—1.

Further debate ensued.

Senator Wojahn demanded a roll call on the amendment by Senator Bottiger and the demand was sustained by Senators Bottiger, Rasmussen, von Reichbauer, Matson, Herr, Newschwander, Pullen, Clarke and Guess.

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

### ROLL CALL

The Secretary called the roll and the amendment by Senator Bottiger was not adopted by the following vote: Yeas, 16; nays, 30; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Cunningham, Gaspard, Guess, Hayner, Herr, Newschwander, Rasmussen, Van Hollebeke, von Reichbauer, Walgren, Wojahn, Woody—16.

Voting nay: Senators Beck, Bluechel, Buffington, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Wanamaker, Washington, Wilson—30.

Absent or not voting: Senators Henry, Mardesich—2.

Excused: Senator Peterson—1.

There being no objection, the amendment by Senator Pullen to page 1, after line 25, adding a new paragraph, on the desk of the Secretary of the Senate, was withdrawn.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Lewis Cunningham, Bausch, Wojahn, Benitz, Hayner, Washington, Sellar, Goltz, Odegaard and Mardesich:

On page 1, line 13, after "section" and before the period insert ": PROVIDED FURTHER, That the funds appropriated herein shall be used to support the voluntary transfer of students for the purpose of achieving a more balanced racial distribution within the school district. No such funds shall be used to accomplish an altered racial distribution by the mandatory transfer of students from one school to another"

### POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator Pullen yield to a question? Senator Pullen, as I read your amendment, it simply says that none of the funds in this particular appropriation could be used for mandatory transfer of students. Is there anything in your bill or in your amendment or intended by you to prevent a district from using other funds for mandatory transfers?"

Senator Pullen: "Senator Francis, although I personally would very much like to do that, and I would pretty much like to achieve that, the wording of my amendment relates only to the one million dollars appropriated in Senate Bill 2115, and it does not address the question of how other funds might be utilized."

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

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 2115 was advanced to third reading, the second 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. 2115, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 29; nays, 18; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Ridder, Sandison, Scott, Sellar, Walgren, Washington, Wilson—29.

Voting nay: Senators Bausch, Bottiger, Clarke, Cunningham, Guess, Hayner, Herr, Jones, Lewis, Newschwander, Pullen, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wojahn, Woody—18.

Absent or not voting: Senator Mardesich—1.

Excused: Senator Peterson—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2115, 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 fourth order of business.

### MESSAGES FROM THE HOUSE

March 21, 1977.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 314,  
ENGROSSED HOUSE BILL NO. 595,  
ENGROSSED HOUSE BILL NO. 793,  
HOUSE BILL NO. 852, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 22, 1977.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 240, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 314, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Newhouse and Kreidler)"

Authorizing pharmacy assistants and providing for their regulation.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 595, by Representatives Ehlers, Nelson (Gary) and Sommers:

Changing the number of members and means of appointment, respectively, of the nursing home council and the emergency medical and ambulance review committee.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 793, by Representatives King and Lux:

Authorizing the department of labor and industries to insure employers against liability for compensation and benefits for injuries and death under the federal long-shoremen's and harbor workers' compensation act.

Referred to Committee on Labor.

HOUSE BILL NO. 852, by Representatives Boldt, Berentson, Lysen, Schmitten and Kilbury:

Permitting certain amendments to contracts for nuclear generating projects.  
Referred to Committee on Energy and Utilities.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

Office of the Governor, March 18, 1977:

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

LADIES AND GENTLEMEN:

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

Father Matthew Naumes, appointed March 18, 1977 for a term ending April 15, 1977, succeeding Jack Berry as a member of the Board of Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

MOTION

At 2:25 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, March 23, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, March 23, 1977.

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, Grant and McDermott. On motion of Senator Odegaard, Senators Fleming, Grant and McDermott were excused.

The Color Guard, consisting of Pages Kelly Wright and Pat Stamey, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE RECALL TODAY A MESSAGE FROM ONE OF THE GREAT MEN OF OUR TIME, VIKTOR FRANKL, WHO SURVIVED THE CONCENTRATION CAMPS. HE POSES THE QUESTION WE NEED TO ASK OFTEN OF OURSELVES. 'WHAT THEN, IS MAN? HE IS A BEING WHO CONTINUOUSLY DECIDES WHAT HE IS; A BEING WHO EQUALLY HARBORS THE POTENTIAL TO DESCEND TO THE LEVEL OF AN ANIMAL OR TO ASCEND TO THE LIFE OF A SAINT. MAN IS THAT BEING WHO, AFTER ALL, INVENTED GAS CHAMBERS, BUT AT THE SAME TIME HE IS THAT BEING WHO ENTERED INTO THOSE SAME GAS CHAMBERS WITH HIS HEAD HELD HIGH AND WITH THE "OUR FATHER." OR THE JEWISH PRAYER OF THE DYING ON HIS LIPS.'

"WE PRAY FOR THOSE LEGISLATORS THAT THEY MAY COURAGEOUSLY AND WISELY FACE THE TASKS AHEAD OF THEM AND MAKE WISE DECISIONS FOR THE GOOD OF THE PEOPLE OF THE STATE OF WASHINGTON."

**MOTION**

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

**MESSAGE FROM THE GOVERNOR**

Office of the Governor, March 22, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 22, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2075: Relating to nursing homes and institutions.

SENATE BILL NO. 2078: Relating to cremation.

SENATE BILL NO. 2079: Relating to unfair business practices.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

## MESSAGE FROM THE HOUSE

March 22, 1977.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 238,  
 ENGROSSED HOUSE BILL NO. 506,  
 SUBSTITUTE HOUSE BILL NO. 531,  
 SUBSTITUTE HOUSE BILL NO. 574,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 581,  
 HOUSE BILL NO. 623,  
 HOUSE BILL NO. 797, and the same are herewith transmitted.  
 DEAN R. FOSTER, Chief Clerk.

## INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 238, by Committee on Judiciary (originally sponsored by Representatives Gallagher, Sanders, Knowles and Fischer):  
 Revising law relating to public works contract.  
 Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 506, by Representative Heck:  
 Permitting certain PUD's to have sewage districts without reference to a water system.  
 Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 531, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Grier, Keller, Monohon, Knedlik, Erickson, Sanders, Haley and Taller):  
 Providing for a unified system of risk management.  
 Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 574, by Committee on State Government (originally sponsored by Representatives Bauer, Heck, Zimmerman, Thompson, Paris and Erickson):  
 Providing for the erection of a statue in statuary hall in the national capitol.  
 Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 581, by Committee on Social and Health Services (originally sponsored by Representatives Becker, Hanna, Whiteside, Adams, Shinpoch, May, Pardini, Deccio, Charette, Warnke, Grimm, Thompson, Charnley, Hurley (Margaret), Pearsall, Bender, Eng, Hawkins, Chandler and Ehlers):  
 Providing for the substitution of prescription drugs.  
 Referred to Committee on Social and Health Services.

HOUSE BILL NO. 623, by Representatives Bauer and Zimmerman:  
 Exempting capital expenditures of nonprofit water associations from gross income for public utility tax purposes.  
 Referred to Committee on Ways and Means.

HOUSE BILL NO. 797, by Representatives Charette, Vrooman, Knowles, Smith and Enbody:  
 Giving jurisdiction to the court of the county wherein an habitual traffic offender is arrested for subsequently driving without a license.  
 Referred to Judiciary Committee.

## MOTION

At 10:12 a.m., on motion of Senator Sandison, the Senate recessed until 11:20 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:20 a.m.

## MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2081.

## SECOND READING

SENATE BILL NO. 2081, by Senator Francis:

Creating warrant server positions for municipal courts of large cities.

The Senate resumed consideration of Senate Bill No. 2081 as amended by Senator Francis on March 22, 1977.

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

On page 1, after line 26, add a new subsection as follows:

"(6) Said warrant servers shall not be entitled to death, disability or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant server as described in this section."

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

On page 1, line 10, after "shall" and before "vested" on line 11, strike "hereby be peace officers of the state of Washington" and insert "be"

On motion of Senator Francis, Engrossed Senate Bill No. 2081 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President and members of the Senate, we have checked in response to the questions of some of the members with Mr. Malloy who is the court administrator for the Seattle municipal court, and I would like to answer some of your questions before final passage so that you will know those answers.

"Number one, warrant servers are not required to carry guns as a condition of their employment. Warrant servers who are retired law enforcement officers do normally carry guns. Those who are not are not granted that power under their commissions.

"The warrant servers themselves receive their commissions from the Seattle chief of police. Retired law enforcement officers receive a full commission giving them powers of arrest twenty-four hours a day, and that is so they can serve these warrants any time of day if need be. The warrant servers who are not retired law enforcement officers receive limited commissions giving them arrest powers only during normal working hours. If a subject resists arrest the warrant servers have been directed to terminate the arrest attempt and contact a local law enforcement authority to complete the arrest. The city of Seattle is liable for any damages for false arrest.

"Then we got into the question of the LEOFF system. There was no intention or desire to have those people covered by LEOFF, so there was certainly no objection to the amendments that we have just made."

## REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President, if Senator Francis does not object, could those remarks be entered in the record?"

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Francis yield to a question? Senator Francis, as I understand this bill, if it passes we can expect some warrant servers from Seattle to come into the hinterlands at all times of the day and night and arrest the local citizens for their traffic tickets numbering about fifty thousand in number."

Senator Francis: "Senator Bottiger, I suspect that there are some miscreants who have been hiding from the law in your district, however, I am sure that in your district there are very few of them."

## POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Francis yield to a question? Senator Francis, I am serious. 'The position of warrant server is hereby created within the court.' What authority do the courts have in regard to arresting of people?"

Senator Francis: "Arrests are made by process of court. Ordinarily unless there is a felony in process or something like that or a police officer actually sees a misdemeanor being committed, most arrests are made by a warrant. A warrant is court process done by the authority of a court."

Senator Rasmussen: "Well, what you indicate here is that you are creating the position of warrant server, and generally warrant serving it is assumed you dash up to somebody and hand them the papers before he knows what he is getting. He thinks he is getting a valentine and he gets a paper to come into court, but in this and further down here, you don't provide any provisions authorizing them to make arrests, but you do down below. Now, you have struck the peace officers which we would assume would give the powers of arrest, but then in the last paragraph, which apparently is still in the bill, 'upon a defendant being arrested in another city.'"

Senator Francis: "Senator Rasmussen, we did not delete the part in sub two that provides for the special authority to make arrests in connection with the warrants that they are given to serve, and so they are granted by this statute the authority to arrest for those purposes. That is basically what we are doing is authorizing by statute that those people can make arrests in connection with a court issued warrant for arrest."

Senator Rasmussen: "That is what bothers me. You are authorizing any person that the court would want to designate to go out and make arrests, and yet previously, in the bills that have passed through here, we provided for the proper training for these people and here you are setting up another category without any training. Now, if they are just going to serve papers I can understand, but if they are going to serve papers and arrest too, they most assuredly should be required to have some training."

Senator Francis: "Senator Rasmussen, one of the things we are trying to do is to save some money and to be efficient, and if you want to you can term it a pilot project because, of course, anything that the Seattle municipal court does, and this only relates to the Seattle municipal court, is going to be isolated to that court by the fact that it is in a separate part of the RCW. If it works, and we expect it to work, then maybe some other people will want to do it."

"As I explained earlier, these people are not going to try to overcome a resistance, they will contact local law enforcement people if they have an arrest that is



resisted. These people are commissioned by the chief of police of the city of Seattle so it is just not anybody that comes along that is going to be doing it.

"It seems to me that we have enough built in safeguards that we ought to let them attempt to work this process and see if they can't make it a success."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2081, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Voting nay: Senators Bottiger, Cunningham, Odegaard, Pullen, Rasmussen, Woody—6.

Absent or not voting: Senators Gaspard, von Reichbauer—2.

Excused: Senators Fleming, Grant, McDermott—3.

ENGROSSED SENATE BILL NO. 2081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2282.

### SECOND READING

SENATE BILL NO. 2282, by Senator Grant:

Simplifying reporting requirements for campaign treasurers.

The bill was read the second time by sections.

On motion of Senator Donohue, the following amendment by Senators Donohue and Beck was adopted:

On page 1, line 22, strike "one day" and insert "ten days"

On motion of Senator Mardesich, the following amendment was adopted on a rising vote:

On page 1, after "committee)." insert "No employer, public or private, or officer, director, manager, or official of any company, union, or association of any kind, or any other person acting on behalf of such individual, shall solicit or collect contributions as defined in RCW 42.17.020(8) from any employee or member for purposes of contributing to political candidates or political committees."

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2282 was advanced to third reading, the second 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. 2282, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, North,

Odegaard, Rasmussen, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wojahn, Woody—36.

Voting nay: Senators Bausch, Gaspard, Monohon, Newschwander, Peterson, Pullen, Ridder, Talley, Walgren, Wilson—10.

Excused: Senators Fleming, Grant, McDermott—3.

ENGROSSED SENATE BILL NO. 2282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2364, by Senators Bluechel, Bottiger, Walgren, Benitz and Sellar:

Establishing a pilot project on bicycles.

The bill was read the second time by sections.

On motion of Senator Bluechel, the following amendments were adopted:

On page 2, line 21, after "transportation" strike "and utilities"

On page 2, line 36, after "the" strike "traffic" and insert "highway"

On motion of Senator Bluechel, Engrossed Senate Bill No. 2364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President, would Senator Bluechel yield to a question? Senator Bluechel, on this tax on kiddies, what is the penalty for failure for compliance with the mandatory registration?"

Senator Bluechel: "There isn't any. This is a pilot project only. This is meant for one county, the county to be established by the commission, and it is an attempt to set up a procedure where it will reduce the amount of theft and problems with bicycles. It is similar to a program that is already in effect in the city of Seattle."

Debate ensued.

### POINT OF INFORMATION

Senator Ridder: "A point of information if I may, Mr. President. Senator Cunningham, I wasn't quite sure of the implication of your statement about Seattle. Did you mean that the Seattle administration was voluntarily entering into a mandatory bicycle registration which is my understanding of the situation in Seattle?"

Senator Cunningham: "Senator Ridder, it is my understanding that Seattle themselves have decided that they want to have a bicycle registration program, and they are in turn, for the filing of a fee you are able to get a registration decal to put on your bike and to register it. It is my understanding that they are not mandating full registration of all bicycles."

Senator Ridder: "My understanding is that they are."

Senator Cunningham: "Well, even so, but they are making the decision. We are not coming along and doing it for them."

Senator Ridder: "Right, the administration is doing it."

Further debate ensued.

### POINT OF INQUIRY

Senator Herr: "Would Senator Bluechel yield to a question? This is registration of bicycles, now. This doesn't include tricycles?"

Senator Bluechel: "Senator Herr, the bicycles are defined in a separate section of the code."

Senator Herr: "And if we pass this bill, I suppose this session you will amend the bill, or next year to include tricycles. Now, I think we should have tricycle safety too then. Is that what you are saying?"

Senator Bluechel: "Senator Herr, if you wish to propose that bill, fine."

Senator Herr: "Well, you have convinced me to vote 'no' on this bill because I think what we are doing, we are getting very ridiculous on registration of things like that, and I have to support Senator Cunningham's logic on it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Bluechel yield to a question? Senator Bluechel, by your amendment which would change the traffic safety fund to the highway safety fund, do we at this time have a highway safety fund?"

Senator Bluechel: "That is the correct name. It isn't the traffic safety fund, it is the highway safety fund. This was given to me as a technical amendment by the transportation committee."

Senator Odegaard: "We have, I know, a traffic safety fund. Senator Donohue and I hadn't heard of the highway safety fund before."

Senator Bluechel: "I stand to be corrected because this was a technical amendment, and the transportation committee staff put this together."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I don't want a lot of verbiage to get into the record. I would like to ask Senator Bluechel a question, but I don't want a long answer that will go into the record if we can stop it."

"Senator Bluechel, in driving down the street today I noticed a young lad with his lunch sack and he was riding a unicycle. Nowhere in this bill can I find anything relating to unicycles."

Senator Bluechel: "Senator Rasmussen, it is not in the bill. Unicycles are not covered at this time."

Senator Rasmussen: "You have no intention, and that will be one free way of expressing our own individual opinion without inspection, registration and anything else that the committee may think up."

Senator Bluechel: "Absolutely."

Senator Rasmussen: "I am glad because that little boy seemed to be enjoying it. In the bill it provides for a mandatory system of bicycle registration. You indicated that this was a pilot project, and I can realize that the camel can't get into the tent unless it gets its nose in first. That has always been the problem when you let camels into your place of business. You indicated that King county—King county or Seattle—already is doing this."

Senator Bluechel: "Senator Rasmussen, Seattle has a limited program. It is not as comprehensive as this. This is the reason for the advisory committee's proposal to have a comprehensive program to tackle the whole field of bicycles including safety, promotion, usage and everything else in one bill and see what happens. It may not work out. We may not want to go any farther at all after we see what happens but this is at least a pilot project to find out results."

Senator Rasmussen: "Thank you."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2364, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Henry, Keefe, Morrison, Murray, North, Sellar, Talley, Walgren, Wanamaker, Washington, Wojahn—21.

Voting nay: Senators Beck, Buffington, Cunningham, Donohue, Guess, Hayner, Herr, Jones, Lewis, Mardesich, Marsh, Matson, Monohon, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Wilson, Woody—25.

Excused: Senators Fleming, Grant, McDermott—3.

ENGROSSED SENATE BILL NO. 2364, having failed to receive the constitutional majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Beck served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2364 failed to pass the Senate.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2364 failed to pass the Senate.

Debate ensued.

## POINT OF ORDER

Senator Henry: "I would like to raise a point of order that while Senator Beck's speech was very enlightening, the body has not yet voted on the motion by Senator Guess that we reconsider immediately."

Further debate ensued.

The motion by Senator Guess carried on a rising vote and the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 2364 failed to pass the Senate.

## POINT OF ORDER

Senator Francis: "A point of order, Mr. President. I believe that we just voted to reconsider. The matter is now on the calendar for final passage which we could vote on now if we want, of course subject to debate, subject to being held a day if we want, and so forth, but we have reconsidered. Isn't that correct, Mr. President?"

## RULING BY THE PRESIDENT

President Cherberg: "Well, traditionally, and pursuant to the rules adopted in the previous session you would reconsider the vote tomorrow, but yes, Senator Guess made a positive motion that the Senate immediately reconsider which would have taken a suspension of the rules under previous rules."

The President declared the question before the Senate to be the roll call, on reconsideration, of Engrossed Senate Bill No. 2364.

## ROLL CALL

The Secretary called the roll and Engrossed Senate Bill No. 2364 failed to pass the Senate, on reconsideration, by the following vote: Yeas, 22; nays, 24; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Henry, Monohon, Murray, North, Ridder, Sellar, Talley, Walgren, Wanamaker, Washington, Wojahn—22.

Voting nay: Senators Buffington, Cunningham, Donohue, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Van Hollebeke, von Reichbauer, Wilson, Woody—24.

Excused: Senators Fleming, Grant, McDermott—3.

ENGROSSED SENATE BILL NO. 2364, having failed to receive the constitutional majority, on reconsideration, was declared lost.

## SECOND READING

SENATE BILL NO. 2419, by Senators Woody, Clarke, Francis and Herr:

Excluding law enforcement officers from the prohibition on recording private communications.

## REPORT OF STANDING COMMITTEE

February 21, 1977.

SENATE BILL NO. 2419, excluding law enforcement officers from the prohibition on recording private communications (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "intercept" strike ", record or divulge" and insert "((; record or divulge)) or record"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner.

The bill was read the second time by sections.

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

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

On page 1, line 15 after "consent of" and before "the participants" strike "all" and insert "((aH)) one of"

On page 1, line 19 after "consent of" and before "the participants" strike "all" and insert "((aH)) one of"

Debate ensued.

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

Senator Bottiger moved adoption of the following amendment:

On page 1, line 19 after "conversation." insert the following new paragraph:

"Consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded."

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Bottiger:

On the last line of the Bottiger amendment after "announcement" and before "shall" insert "and the consent thereto"

Debate ensued.

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

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

Senator Francis moved adoption of the following amendment:

On page 1, line 19 after "conversation" strike the period and insert "(-) ; or (3) Private communication or private conversation referred to in subsections (1) and (2) of this section for the purpose of committing any criminal or tortious act in violation of the laws or constitution of the United States, or of this state, or for the purpose of committing any other injurious act."

Debate ensued.

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

On motion of Senator Francis, the amendment to page 1, line 30 on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Marsh, the following amendments were adopted:

On page 2, lines 2 and 3, after "duties" strike "or a person acting at the direction of the law enforcement officer"

On page 2, line 5, after "officer" strike "or person"

Senator Goltz moved adoption of the following amendment:

On page 2, line 1, strike all of lines 1 through 10.

Debate ensued.

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

#### MOTIONS

On motion of Senator Jones, Senators Morrison and Wanamaker were excused.

On motion of Senator Francis, Engrossed Senate Bill No. 2419 was advanced to third reading, the second 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. 2419, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Gould, Guess, Hayner, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Walgren, Washington, Wojahn, Woody—34.

Voting nay: Senators Bluechel, Gaspard, Goltz, Henry, Mardesich, Peterson, Van Hollebeke, von Reichbauer, Wilson—9.

Absent or not voting: Senator Day—1.

Excused: Senators Fleming, Grant, McDermott, Morrison, Wanamaker—5.

ENGROSSED SENATE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Marsh, the Committee on State Government was relieved from further consideration of Engrossed House Bill No. 595.

On motion of Senator Marsh, Engrossed House Bill No. 595 was referred to the Committee on Social and Health Services.

At 12:50 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, March 24, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FOURTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 24, 1977.

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 Fleming. On motion of Senator Odegaard, Senator Fleming was excused.

The Color Guard, consisting of Pages Jennie Christenson and Paul Simmons, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"O LORD, WE RECALL TODAY THE WORDS OF VICTOR FRANKL, SURVIVOR OF MANY INHUMANITIES IN AUSCHWITZ CONCENTRATION CAMP, WHEN HE SAID, ON HIS RELEASE, 'IN A SENSE LIVING IN A CONCENTRATION CAMP WAS A BIG EXPERIMENT, A CRUCIAL EXPERIMENT. OUR DEAD COLLEAGUES PASSED THE TEST WITH HONOR. THEY PROVED TO US THAT EVEN UNDER THE MOST DEPRAVED, THE MOST HUMILIATING CONDITIONS, MEN CAN STILL REMAIN MEN, BUT WITH HONOR TO THEM WHO GAVE THIS PROOF SHOULD BE A LESSON TO US. IT SHOULD TEACH US WHAT MAN IS AND WHAT MAN CAN BECOME.'

"HELP ALL OF US PRESENT, LORD, TODAY TO BECOME WHAT YOUR WILL IS FOR US. ESPECIALLY WE ASK HIS GRACE FOR THE MEMBERS OF THIS SENATE. AMEN."

### MOTION

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

### PRESENTATION OF DAFFODIL FESTIVAL ROYALTY

The President announced the presence on the rostrum of Queen Carol Glenn, Princesses Karon Di Loreto and Mary Riggelman of the Daffodil Festival Royalty.

The President introduced other members of the Festival Committee who were seated in the Senate Chamber.

With permission of the Senate, business was suspended to permit Queen Carol to address the Senate.

The President requested members of the Pierce County delegation to escort the honored guests from the Senate Chamber.

### REPORTS OF STANDING COMMITTEES

March 22, 1977.

SENATE BILL NO. 2040, establishing a program to improve jails (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2040 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Wilson, Chairman; Bluechel, McDermott, North, Sellar, Talley.



Referred to Committee on Ways and Means.

March 22, 1977.

SENATE BILL NO. 2376, providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes, (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2376 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 22, 1977.

SENATE BILL NO. 2392, excluding hearings provided to prisoners from applications of administrative procedures act, (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 22, 1977.

SENATE BILL NO. 2399, making the day before a legal holiday which falls on Saturday a holiday (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Bill No. 2399 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

March 22, 1977.

SENATE BILL NO. 2403, increasing amount available for employment of handicapped persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 23, 1977.

SENATE BILL NO. 2406, revising support to counties for juvenile probation services, (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Wojahn.

Referred to Committee on Ways and Means.

March 21, 1977.

SENATE BILL NO. 2465, governing the publication of the reports of the supreme court and court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

March 21, 1977.

SENATE BILL NO. 2482, revising laws against discrimination (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones.

Passed to Committee on Rules for second reading.

March 18, 1977.

SENATE BILL NO. 2529, relating to highways (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2529 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 22, 1977.

SENATE BILL NO. 2563, requiring presidential electors to vote for their party's nominee (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1977.

SENATE BILL NO. 2668, enacting a Landlord-Tenant act for mobile home lots (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones.

Passed to Committee on Rules for second reading.

March 21, 1977.

SENATE BILL NO. 2769, increasing the registration fees for contractors (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 Ridder, Chairman; Matson, Morrison, Peterson, Sellar.

Referred to Committee on Ways and Means.

March 22, 1977.

SENATE BILL NO. 2825, imposing an annual license fee on vehicles using propane in accordance with vehicle tonnage (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 15, 1977.

SENATE BILL No. 2858, changing the law on solid waste (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2858 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, North, Ridder.

Passed to Committee on Rules for second reading.

March 22, 1977.

SENATE BILL NO. 2910, revising statutes relating to energy facility site selection (reported by Committee on Energy and Utilities):

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

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

March 23, 1977.

SENATE BILL NO. 2933, establishing a judicial qualifications commission contingent upon amendment of the state constitution (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner, Jones.

Passed to Committee on rules for second reading.

March 23, 1977.

SENATE BILL NO. 2936, establishing the jurisdiction of superior courts in accordance with a proposed new judicial article of the state constitution (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 24, 1977.

SENATE BILL NO. 3060, permitting motor vehicle headlamps which meet international standards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 21, 1977.

SENATE JOINT RESOLUTION NO. 113, amending the Constitution to increase the jurisdictional limits of justices of the peace (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

March 21, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, establishing a dental disciplinary board (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, Monohon, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 17, 1977.

ENGROSSED HOUSE BILL NO. 98, establishing thermal performance standards for new dwellings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Lewis.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

March 23, 1977.

DIANE OBERQUELL, to the position of chairman of the Board of Prison Terms and Paroles, appointed by the Governor on January 27, 1977 for the term ending April 15, 1980, succeeding E. Bruce Johnson (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Herr, Monohon, North, Pullen, Van Holleke, Wojahn.

Passed to Committee on Rules.

March 23, 1977.

WALTER T. HUBBARD, to the position of member of the Board of Trustees for Prison Terms and Paroles, appointed by the Governor on January 27, 1977 for the term ending April 15, 1981, succeeding Ross Peterson (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules.

March 22, 1977.

JO ANN SCHIRMER, to the position of member of the Board of Trustees for Walla Walla Community College, District No. 20, appointed by the Governor on April 4, 1977, for the term ending April 3, 1982 (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

WILLIAM F. JOHNSTON, to the position of member of the Board of Trustees for Skagit Valley Community College, District No. 4, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982 (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

PAUL EDMONDSON, to the position of member of the Board of Trustees for Yakima Valley Community College, District No. 16, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Yoshio Hata (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

ROSEMARY SMITH, to the position of member of the Board of Trustees for Lower Columbia Community College, District No. 13, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Dennis Pittelko (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

JACK COLE, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on March 10, 1977 for the term ending March 9, 1983, succeeding Dr. H. H. Hayner (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Guess, Sandison.

Passed to Committee on Rules.

March 22, 1977.

MYRON STEVENS, to the position of member of the Board of Trustees for Shoreline Community College, District No. 7, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education)

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

ALAN P. VANDEVERT, to the position of member of the Board of Trustees for Tacoma Community College, District No. 22, appointed by the Governor on March 7, 1977 for the term ending April 3, 1978, succeeding Lewis Hatfield (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

GERALD R. BRUNSTROM, to the position of member of the Board of Trustees for Highline Community College, District No. 9, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding Rosalie Luce (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

DAVID T. MOODY, to the position of member of the Board of Trustees for Big Bend Community College, District No. 18, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

March 22, 1977.

BEVERLY SCHOENFELD, to the position of member of the Board of Trustees for Green River Community College, District No. 10, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 23, 1977.

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

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

Dave J. Mooney, appointed March 18, 1977, for the term ending July 1, 1982, succeeding Art Brown as a member of the Pollution Control Hearings Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ecology.

MESSAGES FROM THE HOUSE

March 23, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 240, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 23, 1977.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 282, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 23, 1977.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 125,  
SUBSTITUTE HOUSE BILL NO. 127,  
ENGROSSED HOUSE BILL NO. 816, and  
HOUSE BILL NO. 879, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 240.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 125, by Committee on State Government (originally sponsored by Representatives Ehlers, Hawkins, Erickson, Hanna and Salatino):

Revising laws affecting residents of soldiers' and veterans' homes.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 127, by Committee on Local Government (originally sponsored by Representatives Ehlers, Lee, Thompson, Gaines, Grimm and Knedlik):

Authorizing community corporations for local government in unincorporated areas.

Referred to Committee on Local Government.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 282, by Committee on Appropriations (originally sponsored by Representatives Hawkins, Barnes, Fortson, Nelson (Dick), Lux, Heck, Sherman, Hughes, Keller, Chandler, Erickson and Wilson):

Establishing a presidential preference primary.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 816, by Representatives Maxie, O'Brien, Lux, Burns, Blair and Douthwaite:

Giving tenants a priority for purchasing highway lands.

Referred to Committee on Transportation.

HOUSE BILL NO. 879, by Representatives Conner, Gallagher and Bender (by Department of Highways request):

Allowing driving on certain highway shoulders to allow other vehicles to pass.

Referred to Committee on Transportation.

#### MOTION

At 10:35 a.m., on motion of Senator Walgren, 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

March 17, 1977.

SENATE BILL NO. 2219, creating a state department of parks (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

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

MINORITY recommendation: Do not pass.

Signed by: Senators Buffington, Gould.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2219, together with the majority and minority committee reports, was referred to the Committee on Parks and Recreation with instructions that the bill be returned to the Senate in eight days.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2254.

#### SECOND READING

SENATE BILL NO. 2254, by Senator Hayner:

Permitting the use in evidence of blood sample reports of the state toxicologist.

## REPORT OF STANDING COMMITTEE

February 9, 1977.

SENATE BILL NO. 2254, permitting the use in evidence of blood sample reports of the state toxicologist (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

Beginning on line 7, strike the remainder of the section and substitute the following:

"Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians (~~age fifteen years and older~~) who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential (~~and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post-mortem is performed.~~) : PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation on application to the court."

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke.

The bill was read the second time by sections.

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

On motion of Senator Hayner, Engrossed Senate Bill No. 2254 was advanced to third reading, the second 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. 2254, and the bill passed the Senate by the following vote: Yeas, 47; nay, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Fleming—1.

ENGROSSED SENATE BILL NO. 2254, having received the constitutional majority, was declared passed. 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 Joint Resolution No. 104.



## SECOND READING

SENATE JOINT RESOLUTION NO. 104, by Senators Francis, Clarke, Marsh and Van Hollebeke:

Amending the Constitution to adopt a new judicial article.

## REPORT OF STANDING COMMITTEE

March 2, 1977.

SENATE JOINT RESOLUTION NO. 104, amending the Constitution to adopt a new Judicial Article (reported by Judiciary Committee):

Recommendation: Do pass with the following amendment:

On page 4, line 14, following Article IVA, Section 18, add a new section to read as follows:

"Article IVA, section 19. CLERK OF THE SUPERIOR COURT. The county clerk shall be, by virtue of his office, clerk of the Superior court."

Renumber the remaining sections consecutively.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Francis yield? Senator Francis, would the county clerk remain an elected position under your amendment?"

Senator Francis: "Yes, Senator Odegaard, under this amendment the county clerk would remain an elected official, elected in that county and independently responsible to the voters."

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

Senator Pullen moved the following amendments by Senators Pullen, Lewis, Sellar and Rasmussen be considered and adopted simultaneously:

On page 1, line 5, strike "an amendment" and replace with "four amendments"

On page 1, line 8 after "Article IVA" and before "the" insert "all or part of"

On page 1, line 9 after the colon add "SJR 104A which shall consist of section 31, of Article IVA; SJR 104B, which shall consist of sections 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 26, and 28 of Article IVA; SJR 104C, which shall consist of sections 6, 7, 8, 9, 10, 22, 23, 25, and 27 of Article IVA; and SJR 104D, which shall consist of section 17 of Article IVA; PROVIDED, That SJR 104A shall not be deemed ratified unless SJR 104B is also ratified; PROVIDED FURTHER, That the effective date of each of the four amendments shall be in accordance with section 29 of Article IVA."

On page 5, section 30, at the end of line 21 after "27" insert "or any part thereof"

On page 5, line 34, add an "s" to the word "amendment"

## POINT OF INQUIRY

Senator Bottiger: Mr. President, would Senator Pullen yield to a question? Senator, your point being that you interpret the single subject clause of the amendatory section of the present Constitution as requiring that we talk about four individual amendments as opposed to separate amendments, is that the point of all of these amendments?"

Senator Pullen: "Well, you are close. Of course, our Constitution does not say that an amendment must be of a single subject. It simply says that in Article XXIII

you must submit separate amendments to the voters so that they can vote for or against each amendment separately. That is what I am trying to accomplish. There are at least four amendments within SJR 104. There may be more, but I can pick out at least four and this particular amendment would try to satisfy Article XXIII of our Constitution."

Senator Bottiger: "The purpose of my question, Senator Pullen, is that all of these amendments considered together do the same thing so that the debate and vote on all of these amendments are actually the same debate and same vote."

Senator Pullen: "That is exactly right."

Senator Bottiger: "I would have no objection to considering them all together."

The motion by Senator Pullen carried and the amendments will be considered simultaneously.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, this is a technical question. If the voters voted on both the constitutional amendments at the one time, they do not go into effect for thirty days, until after the vote is certified, what would the position be?"

Senator Marsh: "I have not examined HJR 7 to see whether or not that particular problem is taken care of. If it is not, I think it would be a simple matter to make it retroactive to cover this and I would certainly join in that kind of an amendment to HJR 7."

Further debate ensued.

#### POINT OF INQUIRY

Senator Donohue: "Mr. President—I don't know—I have two or three questions. I am going to ask the questions, and maybe Senator Francis or someone could answer them, but I have a question on the language on page 2, line 5 where it says 'The judges of the courts of each level of court in each region shall elect a judge.' Does that mean, for instance, that the people will not elect that judge, that that judge shall be elected outside of those judges already elected? The way I read it, it does indicate that.

"The second thing which would, in my judgment, mean that automatically they could create more judges without a vote of the people or by the legislature. The second thing, is there anything in this Article or any of the language that would possibly indicate that the judges could set their own appropriation? There are two distinct questions."

Senator Francis: "Senator Donohue, in reply to your questions, first I think your question is an excellent one. On page 2, line 5 that sentence is meant and was intended by every member of both the task force and the judiciary committee to mean that the judges would elect someone from among themselves to be their chief, and I see the ambiguity you are talking about. I am glad you brought it up so that we can make it a matter of record here that the intention is that that means they elect one of the persons who is already a judge to be the chief judge. They do not elect someone to become a judge. The only people who are provided—in other words, the only way that you can become a judge is either by appointment of the Governor or by election by the people under this Article, and one of the things which we took a great deal of care to do was to preserve the right of the people to elect the judges of this state. So I am very glad that you brought that up because I want that clear as a matter of record that that is what that is intended to mean.

"As to the second question, I did not write it down, but it was with regard to whether or not the judges could appropriate their own funds and their own salaries

and so forth. There is nothing in here that would speak to that or change the present situation. I think, as you know, we have a continuing problem, and it is a very delicate problem, relating to the separation of powers between the coequal branches of government, and so far the legislative branch and the judicial branch, or for that matter the legislative branch and the executive branch, have never come into a head-on confrontation on that issue. I think that the legislature would continue to have the power of appropriation. I got no indication from any judge that they intended to challenge that power in any way, and there is nothing in here that would provide the judicial branch that power."

Further debate ensued.

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

Senator Mardesich moved adoption of the following amendment:

On page 2, line 6, after "shall elect a judge" insert "from among those then serving"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Mardesich, do you think you could include in that amendment that—I meant to ask this question of Senator Francis—that that judge so chosen as the regional head of the district, the regional district, would be a working judge, would not just have the position of being the regional judge and sort of the presiding judge?"

Senator Mardesich: "I believe, at least as far as I am concerned, that is the intent of this section and I don't think there is anything there that implies to the contrary."

Debate ensued.

There being no objection, on motion of Senator Mardesich, the amendment was withdrawn.

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

On page 2, line 6, after "elect" strike "a judge" and insert "one of their number"

Senator Mardesich moved adoption of the following amendment:

On page 2, line 26, after "supreme court may" insert "subject to appropriation by the legislature"

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "I gather that Senator Clarke takes the position that such an amendment would be more proper as an additional Article, and if so, I would be more than happy to join him in that approach. I would agree."

Senator Clarke: "Yes, I think it should be in a separate, specific chapter. I might say that this is one of the possible differences between the 104 as it presently is before us and 101 which we drafted previously, in that 101 had a specific provision in it that the court appropriations should be, in effect, and I forget the exact wording, but as determined by the legislature. That was in there by a specific affirmative provision, and that does not appear in 104."

There being no objection, on motion of Senator Mardesich, the amendment was withdrawn.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The Senate resumed consideration from earlier today of Senate Joint Resolution No. 104 on second reading.

Senator Pullen moved the following amendments by Senators Pullen, Rasmussen and Grant be considered and adopted simultaneously:

On page 2, line 30, after "position" insert "other than the supreme court"

On page 2, line 32, after the period insert: "To be eligible for appointment or election to the supreme court a person must be registered to vote."

Debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Pullen yield? Senator Pullen, I am inclined to agree with you, but I am wondering if the justices of the U. S. supreme court are required to be, quote, registered to vote, and if not, why do you now require that they be registered to vote?"

Senator Pullen: "The reason is that that is a consistent requirement that we have for virtually all of our offices, and that is a requirement that is already imposed in section eleven for all other judges, and I am not particularly concerned as much with that point as I am with the other one, but for consistency I decided to keep that as part of my amendment."

Further debate ensued.

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

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

On page 3, line 8, after "vacancy" insert "to the supreme court, the court of appeals or superior court"

On page 3, line 11, after "term." add the following: "District court vacancies shall be filled as provided by statute."

Senator Mardesich moved adoption of the following amendment:

On page 3, line 7, strike "six" and insert "four"

Debate ensued.

There being no objection, on motion of Senator Mardesich, the amendment was withdrawn.

Senator Mardesich moved adoption of the following amendment:

On page 5, after line 17, insert a new section as follows:

"Article IVA, section 28. FUNDING. The legislature shall provide funding for the operations of the courts to the extent it deems necessary."

Renumber following sections accordingly.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Mardesich yield? I assume the 'it' refers back to 'Legislature' rather than to 'court.'"

Senator Mardesich: "I suppose that—what I did was took this language as suggested from the old Resolution and I would assume that question—might answer that. If not, we could say, 'to the extent the Legislature deems necessary.' If there is no objection to that, that would make it very clear, which is exactly what I had in mind anyway. The word 'it' would be stricken, and the word 'Legislature', 'the Legislature deems necessary.'"

Debate ensued.

Senator Hayner moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend the Mardesich amendment to page 5, line 17 as follows:

On line 1 of the amendment, after "provide" insert "the method of"  
Further debate ensued.

There being no objection, on motion of Senator Hayner, the amendment to the amendment was withdrawn.

On motion of Senator Mardesich, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the Mardesich amendment to page 5, line 17, as follows:

On line 3 of the amendment, after "provide" insert "the method and amount of"

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

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

On page 3, line 1, strike "The legislature may provide that a candidate who is unopposed or receives a majority in the primary election is elected."

Senator Mardesich moved adoption of the following amendment:

On page 4, line 24, strike Article IVA, section 22.

Debate ensued.

There being no objection, on motion of Senator Mardesich, the amendment was withdrawn.

Senator Cunningham moved adoption of the following amendment:

On page 3, line 21, insert a new section as follows:

"Article IVA, section 17, RETIREMENT. Any justice or judge shall retire from judiciary office at the end of the calendar year in which he attains the age of seventy years. The legislature may, from time to time, fix a lesser age for mandatory retirement. This provision shall not affect the term to which any such justice or judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision."

Renumber remaining sections consecutively.

Senator Francis moved adoption of the following amendment to the amendment by Senator Cunningham:

Amend the amendment to page 3, line 21 as follows:

On line 5 of the amendment, after "seventy" insert "-five".

Debate ensued.

The motion by Senator Francis carried and the amendment to the amendment by Senator Cunningham was adopted on a rising vote.

Further debate ensued.

The motion by Senator Cunningham failed and the amendment, as amended, was not adopted on a rising vote.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Mardesich:

On page 3, section 14, line 7, after "for" strike "judges and justices is six years" and insert "judges of the supreme court and of the court of appeals is six years and for all other judges and justices, four years"

Debate ensued.

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

Senator Mardesich moved adoption of the following amendment:

On page 5, line 5, following section 26, insert a new section as follows:

"The legislature shall determine the qualifications and methods of admitting persons to practice law."

Debate ensued.

## POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Francis yield to a question? Senator Francis, it is not a practice in any other profession that I know of for the members of that profession to decide who should be admitted. Would you please tell me why you think the attorneys should decide who should be a member of the legal fraternity, why the supreme court should decide that instead of doing it as we do in all other professions?"

Senator Francis: "Well, Senator, which question are you asking me, whether the attorneys should do it or whether the supreme court should do it, because those are two different things."

"I am not asking that the bar association determine, but I am asking that the supreme court determine, and that isn't the bar association, that is a separate and coequal branch of the government of the state of Washington that we are talking about."

Senator Van Hollebeke: "I meant because they are attorneys. I meant the supreme court."

Senator Francis: "Have I answered your question?"

Senator Van Hollebeke: "No."

Senator Francis: "Maybe you had better repeat it, then. I don't quite understand what you are asking me."

Senator Van Hollebeke: "My question was why do you think that the legal profession is different from all other professions that the members there, or the supreme court who are members of that association should decide who should be members of the legal profession. We don't allow the grocers to say, 'We are not going to have any more grocers,' or 'We are going to have only so many more,' or pharmacists, but we do do this in the legal profession."

Senator Francis: "OK, well, in order to make sure that this remains a part of the record, I am going to ask my counselor, Senator Bottiger, to answer that one for me."

Senator Bottiger: "Senator Van Hollebeke, to the contrary to what you suggest, most of the professions are governed by their own governing board that establishes the rules and regulations, write the test, conduct the test, and administer the test and decide who and how many people pass. If you will look in Title 18, there is a whole list, everything from doctors to chiropractors to optometrists to dispensing opticians to barbers and beauticians, and all the way down the line. They are a board appointed by the Governor to administer that function."

"To the contrary, in the legal profession, a group of elected officials, mainly the supreme court establishes the procedure. They also happen to be attorneys, but if you will look in Title 18 you will find all of the other boards are made up of their own profession, occasionally with one public member. The bar association has public members on it, but it doesn't admit or discipline attorneys."

Further debate ensued.

## POINT OF INQUIRY

Senator Washington: "Senator Francis, would you yield to a question? What is the constitutional provision now relating to the determination of the qualification of attorneys?"

Senator Francis: "Senator Washington, I am not sure that is in the state Constitution. It is handled by the state supreme court, and maybe somebody can point out the provision. I am not familiar with what the number is."

Senator Van Hollebeke: "Senator Washington, my knowledge is that it is not covered by the Constitution. I have read the appellate court decisions on this. The

supreme court has just taken this prerogative, said 'We will set the standards. Legislature can set certain minimum standards, but we are going to call the shots.' Arguing with Senator Bottiger, no it wasn't Senator Bottiger, it was Senator Clarke argued that this would not have public appeal. On the contrary, I think I am pretty much in tune with how the public feels about this, and this is one of their greatest criticisms of the legal profession is that it is that tight, and they do decide who is going to be admitted on their own.

"This would, I think, have a good deal of public appeal."

Further debate ensued.

### MOTION

On motion of Senator Rasmussen, the amendment by Senator Mardesich was ordered held temporarily.

### POINT OF INQUIRY

Senator Van Hollebeke: "Perhaps Senator Washington could yield. If I understood it, Senator Washington, was it your understanding that if we don't do this that the Legislature has the right to set standards? Is that what you—"

Senator Washington: "I would assume that it does. If we haven't by the Constitution given the supreme court the power—"

Senator Van Hollebeke: "I think that should be a correct assumption, but the supreme court has said otherwise. It was in one case some of the appellate court decisions I read were interpreting, or at least one was, was it interpreting where this Legislature tried to set standards, and they said, 'Sorry, you can't do that.'"

Senator Washington: "I am willing to leave it the way it is at the present time. I am informed that if we don't adopt the amendment of Senator Mardesich, we will leave it the way it is at the present time."

### POINT OF ORDER

Senator Goltz: "Mr. President, it just strikes me that this amendment may be outside the scope and object of the judicial article. If I may raise that question, I would like to speak on it very briefly."

### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I think the President said that if there were no objection, this amendment would be set aside. There are two other amendments on the desk that could be considered. There was no objection at that time."

### RULING BY THE PRESIDENT

President Cherberg: "That is correct. With your approval, Senator Goltz, the President will put your point after the other two amendments have been considered and the present amendment comes under the consideration of the Senate."

Senator Mardesich moved adoption of the following amendment:

On page 3, line 17, after "court" strike all the material down to the period on line 20.

Debate ensued.

There being no objection, on motion of Senator Mardesich, the amendment by Senator Mardesich was withdrawn.

Senator Donohue moved adoption of the following amendment:

On page 4, line 29, after "determination" insert ": PROVIDED, That such person shall not qualify for the judges' or judicial retirement systems"

Senator Donohue moved adoption of the following amendment to the amendment by Senator Donohue:

Amend the amendment to page 4, line 29 as follows:

After "systems" on the last line of the amendment, insert "or any other retirement system"

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis: "Mr. President, would Senator Donohue yield? Senator Donohue, I think, for the record it might be well that your intent be established that that was for any other public retirement system. Is that true?"

Senator Donohue: "Well, I suppose that would be true. I would like to, for a moment, I don't know who to ask, my constitutional attorney, Senator Pullen, or someone. The remark that was made a moment ago as to whether this type of language should go into the Constitution, as I read the rest of the Article, I am wondering why a lot of things are in here that should not be possibly statutory. So if somebody would explain that to me, Senator Pullen or Senator—"

#### REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, all I can say is we have tried to keep it clean, but you can see what happens, can't you? I would suggest that people at least think about an amendment which I am going to propose after we finish voting on Senator Donohue's oral amendment, and that is to put the word 'thereby' after 'not have before qualified' so that we make it clear Senator Donohue, that we are not saying that just because he served as a judge pro tem, somebody who might otherwise be qualified loses his retirement. We want to make it clear that it is simply that he does not qualify just because of his serving as a judge pro tem. So if we put the word 'thereby' in, I think we would also take care of Senator Lewis's concern. So it would then say, 'provided that such person shall not thereby qualify for the judges or judicial, et cetera, et cetera.'"

#### POINT OF INQUIRY

Senator Donohue: "I am assuming then from your remarks now that you think this should go into the constitutional amendment, the amendment that—"

Senator Francis: "Senator, I agree with Senator Clarke that it ought to be in statute, however I expect it to be adopted and I just want to see it written right. I think it ought to be somewhere. I think it certainly is consistent with our intent. I am simply trying to perfect this by making it clear that these people don't lose all of their retirement benefits that they had already earned just by serving as a pro tem one day. Do you understand what I am saying, Senator Donohue?"

Senator Donohue: "I understand what you are saying, and I had the nod from Senator Pullen. He said also that this should go into the statute, as my constitutional lawyer, so I am going to, with the permission of the body, withdraw the amendment to the amendment and the amendment."

There being no objection, on motion of Senator Donohue, the amendment and the amendment to the amendment were withdrawn.

#### MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 104, as amended, was ordered reprinted and held on the second reading calendar for March 28, 1977.



PARLIAMENTARY INQUIRY

Senator Goltz: "I would like to know the disposition of the Mardesich amendment on page 5, line 5 following section 26."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Goltz, in reply to your inquiry, Senator Mardesich withdrew that particular amendment. Senator Washington had planned to present another amendment, but thus far has not done so."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I find that the point I am interested in does not require an amendment. I would prefer to leave the constitutional situation as it is at the present time."

MOTION

At 3:15 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, March 25, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 25, 1977.

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 Beck, Fleming, Francis, Gaspard, Grant, Peterson, Rasmussen and Wanamaker. On motion of Senator Jones, Senator Wanamaker was excused. On motion of Senator Odegaard, Senators Beck, Fleming, Francis, Gaspard, Grant, Peterson and Rasmussen were excused.

The Color Guard, consisting of Pages Allison Jones and Neil McCurdy, presented the Colors. Father William Treacy pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD WE GREET YOU AT THE BEGINNING OF A NEW DAY. HELP US TO RECOGNIZE THE NEWNESS OF IT, THE GIFT OF IT. WE MAY BE IN FAMILIAR PLACES, SEE FAMILIAR PEOPLE BUT WE HAVE NEVER LIVED THIS DAY BEFORE. LET US ENTER IT UNBURDENED BY PAST FAILURE AND PRESENT WEAKNESS BECAUSE WE ARE CONFIDENT OF YOUR LOVING POWER TO HEAL OUR PAST AND TO SUSTAIN US TODAY. LET US FEEL YOUR POWER IN US SO THAT GUILT AND REGRET AND SHAME WILL HAVE NO POWER OF THEIR OWN BUT BE LOVINGLY REDEEMED BY YOU AND BECOME AN ESSENTIAL PART OF THE NEWNESS AND STRENGTH WE FEEL TODAY.

"LET US THIS DAY SEE THE TRUTH MORE CLEARLY, APPRECIATE THE GOOD IN OTHERS MORE GENEROUSLY, BECAUSE OF YOUR PRESENCE IN US. HELP US TO LIVE THE TRUST WE PLACE IN YOU AND THE TRUST YOU PLACE IN US IN GIVING US LIFE AND TODAY TO LIVE IT FULLY. AMEN."

### MOTION

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

### REPORT OF STANDING COMMITTEE

March 24, 1977.

HOUSE JOINT RESOLUTION NO. 21, amending the Constitution to allow audits of the judiciary branch (reported by Committee on Rules which recommends that the bill be referred to the Judiciary Committee):

Signed by: President John A. Cherberg, Chairman; Senators Beck, Clarke, Fleming, Guess, Herr, Keefe, Marsh, Matson, Sandison, Sellar, Talley, Walgren.

Referred to Judiciary Committee.

### MOTION

At 10:07 a.m., on motion of Senator Marsh, the Senate recessed until 11:30 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2082.

## SECOND READING

SENATE BILL NO. 2082, by Senators Wilson, Rasmussen, Cunningham, Gould, Sandison, Donohue, Wanamaker, Day and Odegaard:  
Abolishing certain state agencies.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2082 was substituted for Senate Bill No. 2082 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Substitute Senate Bill No. 2082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Sellar: "Thank you. Would Senator Wilson yield to a question? Senator Wilson, I think you really explained this rather fully, but I think everyone of us out here do have some concerns about the agencies included. My concern is, as I have talked to you, is the commodity commission. It is my understanding, and is that correct, if in fact the commodity commissions were to be dealt with in this manner, that it would come back to this legislative body and we could then discuss the merits of that at that time?"

Senator Wilson: "That is absolutely correct."

Senator Sellar: "Thank you very much."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2082, and the bill passed the Senate by the following vote: Yeas, 37; nays, 2; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—37.

Voting nay: Senators Matson, Murray—2.

Absent or not voting: Senators Benitz, Morrison—2.

Excused: Senators Beck, Fleming, Francis, Gaspard, Grant, Peterson, Rasmussen, Wanamaker—8.

SUBSTITUTE SENATE BILL NO. 2082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

March 25, 1977.

I missed the vote on Senate Bill No. 2082 because the House of Representatives was amending and debating Senate Bill No. 2620, an act dealing with the water emergency we face this summer. My support is enthusiastically for Senate Bill No. 2082 and other measures forcing the periodic review of state agencies.

Signed: Senator Sid Morrison

## MOTION

On motion of Senator Jones, Senator Benitz was excused.

## SECOND READING

SENATE BILL NO. 2426, by Senators Ridder and Morrison (by Department of Employment Security request):

Regulating the disclosure of the records of the department of employment security.

## REPORT OF STANDING COMMITTEE

February 16, 1977.

SENATE BILL NO. 2426, regulating the disclosure of the records of the department of employment security (reported by Committee on Labor):

Recommendation: Do pass with the following amendments:

On page 2, line 8, after "individual" strike "or employing unit".

On page 2, line 10, strike "or employing unit".

On page 2, line 12, after "to" insert "its own" and after "and" insert "to any records and".

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were considered and adopted simultaneously.

On motion of Senator Ridder, Engrossed Senate Bill No. 2426 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 Ridder yield to a question? Senator Ridder, I note on page 2, section 6—I note first of all page 1, section 2 that the release of any of this information is prohibited, except of course, to the federal government who sponsors part of the program, and then it goes on on page 2, section 6 to provide that certain governmental agencies may request and have access to the records if the employment security department finds that the information or records are needed by the agency for official purposes. Then it says further on page 3 at the top of section (b) on line 3 that the director of the agency designated by the employment security department rule shall verify the need for the information. What is the position of the Legislature with respect to getting information from the department? Must we request and the department approve before they give us the records? To whom would we go if we wanted information? Who is the, quote, director, commissioner, chief executive or other official of this Legislature who would designate whether I, as an individual, have the right to make inquiry, and third, is it intended that anything in this bill would prohibit me, as an individual

legislator from seeking information from the department with respect to individual cases and records or general statistical information?"

Senator Ridder: "I can't remember whether I should answer 'no' or 'yes', Senator Mardesich. By way of explanation, it would be my understanding that in the course of pursuing legislative inquiry which many of us have, in terms of constituent inquiries, and most frequently of course, these might come from an individual rather than from an employing unit, but it would seem to me that as has been the custom in the past, if we have an inquiry to make that we can make that from whoever the top person is that we get to. I would think that 'other official' would cover that.

"If there were some reason that our inquiry seemed outside the lines of propriety, I am sure it would follow upward on the administrative trail, and that I would read it as a non lawyer as saying that anyone from the legislative branch or the executive branch would have the opportunity to make an inquiry, and I would assume that since the employment security department is anxious to cooperate they would make that information available to us, or if indeed, it were a breach of confidentiality, would advise us chapter and verse why it could not be provided.

"You will notice under section 10, 'Nothing in this chapter shall prevent the disclosure of information or records deemed private and confidential under this chapter if all details identifying an individual or employing unit are deleted or the individual or employing unit consents to the disclosure.' I would assume that if we want information on a statistical basis that that would be made available to us or conversely, if either an individual or the employing unit for whom we are making inquiry consents."

Senator Mardesich: "One question to which I think you did not respond was that relating to line 3 on page 3 where it says that the employment security department shall name the person who is allowed to make inquiry to the department. Who would that person be with respect to me as a member of the Legislature that I would have to direct my inquiry to?"

Senator Ridder: "My reaction would be to the director. I am sure he would want to be responsive. I don't see it as being exclusive."

Senator Mardesich: "It says the director designated by employment security shall verify the need."

Senator Ridder: "I am sorry, I would read that 'director, commissioner, chief executive or other official of the agency designated.'"

Senator Mardesich: "Well, I think that—"

Senator Ridder: "And I would refer 'designated' to 'official.'"

Senator Mardesich: "Is your answer then that this bill would allow me to directly make inquiry to the department?"

Senator Ridder: "Yes."

Senator Mardesich: "And the department would be bound to respond?"

Senator Ridder: "By legislative intent."

Senator Mardesich: "Let me take a specific case. If some person reports to me that they have reason to believe that an individual is making claim of the department for unemployment compensation while working, according to the allegations, do I have the authority to check with the department to see whether that individual is in fact, or has been in fact, drawing benefits during a particular period of time, and must the department respond?"

Senator Ridder: "My reaction would be that if it is an inquiry on the part of your next door neighbor as to whether someone down the street is drawing benefits that there would be a limit to the information that would be transmitted to you or to that neighbor. In other words, if the employing unit had a question, those records would be available. Simple curiosity would not be satisfied under this measure."

Senator Mardesich: "What you are saying then is that if someone were to make such a report to me I could not satisfy my curiosity by a request to the department for such information?"

Senator Ridder: "I would think that you would be able to make that inquiry of the department. I do think that there would be some restriction as to your inquiry into that individual's private records."

Senator Mardesich: "You have bothered me now. I just wonder if we shouldn't require that the legislators have the right to make inquiry because it is only by making such inquiry that we are able to respond to problems which exist in this system or in any other system. If we are unable to get information freely, well then I think it may bind us in responding to the problems which arise. Without a direct response from you that the intent of this bill is to allow legislators to make any inquiries they desire, then I would feel compelled to vote against the measure."

Senator Ridder: "I must say that I would feel somewhat uncomfortable at the thought even that legislators could make completely random inquiries. I would see no constraint in allowing, or certainly encouraging legislators to make inquiries into particular records. My personal concern would be with the response back in terms of specifics, that is, a fishing expedition. I could not give you legal interpretation, and perhaps someone else could more adequately respond or perhaps would give it a different feeling. I have a personal reaction in that."

#### MOTION

On motion of Senator Matson, Engrossed Senate Bill No. 2426 was ordered held and placed on the third reading calendar for March 28, 1977.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2125.

#### SECOND READING

SENATE BILL NO. 2125, by Senators Henry, Gaspard and Bausch:  
Requiring railway bridges to have walkways.

#### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2125 was substituted for Senate Bill No. 2125 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. 2125 was advanced to third reading, the second 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. 2125, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Wojahn, Woody—38.

Voting nay: Senator Bluechel—1.

Absent or not voting: Senator Washington—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Peterson, Rasmussen, Wanamaker—9.

SUBSTITUTE SENATE BILL NO. 2125, having received the constitutional majority, was declared passed. 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. 2435.

### SECOND READING

SENATE BILL NO. 2435, by Senators Donohue, Scott and Sandison:

Providing for disposition of operating fees charged at institutions of higher education.

### MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2435 was substituted for Senate Bill No. 2435 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, Substitute Senate Bill No. 2435 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 Donohue yield? Senator Donohue, I have had several calls from home about this thing. The problem that they see is that a short time ago we authorized a treasurer for Eastern Washington State College to save them from having to charter a plane and send the representative over here to pick up the vouchers. Will this require that the colleges in the eastern part of the state have to send over here to get their money?"

Senator Donohue: "We passed a bill that took care of that problem only for Eastern Washington—"

Senator Guess: "Wait a minute, not for the community colleges?"

Senator Donohue: "Well, I understand that, but there is a bill, House Bill 585, and Senate Bill 3051, which will be coming before us that will authorize that treasurer, the person that is writing the checks now, will be authorized as that treasurer and will solve the problem that you are talking about, Senator."

Senator Guess: "In other words, what you are saying is that they will have the money at hand so they can take the two or five percent discount for ten days payment of their bills without having to send over here to get the voucher to pay it with?"

Senator Donohue: "That is correct. The money will come from the treasury directly to the college and be deposited for their disbursement by that treasurer."

Senator Guess: "Senator Donohue, are the community colleges now earning interest on the deposits that they are keeping in Eastern Washington?"

Senator Donohue: "I would assume so, Senator. I didn't check on that specifically, but we have taken care of that in the bill so that those dollars, even though the dollars are deposited within the state treasury, they were deposited in that account and will be kept separate so that the interest accruing from any investment by the treasurer will be accrued to that particular college."

Senator Guess: "Thank you very much, Senator."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2435, and the bill passed the Senate by the following vote: Yeas, 26; nays, 13; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Clarke, Day, Donohue, Goltz, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn, Woody—26.

Voting nay: Senators Bluechel, Bottiger, Buffington, Cunningham, Gould, Hayner, Lewis, Newschwander, North, Pullen, Scott, Sellar, Wilson—13.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Peterson, Rasmussen, Wanamaker—9.

SUBSTITUTE SENATE BILL NO. 2435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2154, by Senators Bottiger and Hayner:

Governing increased state participation in third party industrial insurance actions.

## MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2154 was substituted for Senate Bill No. 2154 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Ridder, Substitute Senate Bill No. 2154 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 Bottiger yield? Senator Bottiger, I have had an interest in third party liability claims for a long time since I saw a small contractor put out of business because his employees were working on another job—I mean on a job right along beside the prime contractor's personnel who were covered by the state industrial insurance. This instance occurred where the man removed the cover off of a man hole and proceeded to do his work. Unfortunately, and unbeknownst to the electrician, the carpenter crawling down a ladder came down backwards, stepped into the man hole and was seriously injured. He subsequently sued and won a judgment for a sizeable amount of money, and the electrical subcontractor had to pay it all. It caused him to go out of business because he did not, and could not, buy insurance to cover that third party liability.

"The question that bothers me here is, is this going to make the activity in this field far more expensive in the future than it has been in the past, and I express my concern for those people who cannot buy insurance but whose corporate existence will be put in jeopardy."

Senator Bottiger: "Senator Guess, I don't think this bill does anything to that fact situation. It doesn't address it at all. The third party, the theory of third party negligent defendant's recovery is not even touched in this bill. If anything, it might in a given set of cases permit that small contractor to settle a case that he otherwise could not settle and would be forced into court by allowing the department to accept less than their full lien to accomplish the settlement."



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2154, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—38.

Voting nay: Senator von Reichbauer—1.

Absent or not voting: Senator Wojahn—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Peterson, Rasmussen, Wanamaker—9.

SUBSTITUTE SENATE BILL NO. 2154, having received the constitutional 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 Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2437.

## SECOND READING

SENATE BILL NO. 2437, by Senators Henry, Guess, Beck, Lewis and Woody:

Enacting the interstate compact for school bus safety.

## REPORT OF STANDING COMMITTEE

February 18, 1977.

SENATE BILL NO. 2437, enacting the interstate compact for school bus safety (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 19, following section 1 add a new section to read as follows:

"NEW SECTION. Sec. 2. The Washington state commissioners to the western states school bus safety commission shall be the director of highways, the superintendent of public instruction and the chief of the Washington state patrol or their respective designees. Annually the Washington commissioners shall elect a chairman from their own membership who shall serve for one year commencing July 1. Election as chairman shall not interfere with the member's right to vote on all matters before the Washington commissioners. The Washington commissioners may by majority vote designate one of their members to represent the state on any matter coming before the Western states school bus safety commission."

Renumber the remaining sections consecutively.

On page 7, line 20, before "general" insert "traffic safety education account of the"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

The bill was read the second time by sections.

### MOTIONS

On motion of Senator Henry, the committee amendments were adopted.

On motion of Senator Newschwander, Senator Murray was excused.

On motion of Senator Odegaard, Senators Walgren and Woody were excused.

On motion of Senator Henry, Engrossed Senate Bill No. 2437 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Lewis: "Mr. President, would Senator Guess yield? Senator Guess, I have no qualms or concern about the direction this is taking in terms of standardizing the signalization or signalling and the training for drivers and this sort of thing, but it has been brought to my attention or at least purported that passage of this bill will give some school bus manufacturers some advantages over others, particularly it would be advantageous to out of state manufacturers. Would you clarify that for me, please?"

Senator Guess: "Senator Lewis, there are no school bus manufacturers in the state of Washington, and there are a number of buses that are sold in this state that come from out of state. The largest market for the construction of school buses are in Indiana and in California. School buses which meet the standards in the state of Washington are higher in quality and better and they cost more money than those in either Idaho, Oregon or California and Montana. The hope by this is that we will reach a standard of construction but not to reduce the standard of construction in any state.

"I believe that in the state the work that has been done in this state has produced a very high type bus, and I think that we do not intend to, in any way, cause a diminution of the standards of the state of Washington, but it will operate to bring up the standards of the other states. The standards that are arrived at will be done in the committee. I assure you each state has an equal voice upon the standards that are to be brought up, and I am sure that those who are going to represent the state of Washington will tolerate no diminution in the quality of the bus. So I believe that it will result in an improvement of the bus system, particularly as it has to do with the ability to buy buses that are made on a production line so that you don't have the various differences to go into.

"For instance, I will give you an example. In the state of Washington we require that all of the windows be removable windows. There are other states that do not require this same degree of safety. In other words, if a bus turns over the kids are able to kick the windows out. At the same time the window has to be raised not more than eight inches. In some states the windows are raisable to the point that the kids can stick their bodies out. I think it would be an improvement if all of the states had the same eight inch requirement that we have, so of course, there will be for the first time an interchangeable nature of the buses in one state to the other and this is what some people object to."

### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Guess yield to a question? Senator Guess, on page 7, section 2, line 21 'hereby appropriated from the general fund to the western state school bus safety commission the sum of—' and then blank number of dollars. Is there a particular reason that that is blank?"

Senator Guess: "It is based upon the—fifty cents a bus, Senator Odegaard, and before the bill is finally signed, we will have to have for the ways and means committee, I am sure, that figure. We are waiting on that. It is an oversight. It should have been put in there."

#### POINT OF INQUIRY

Senator Lewis: "Mr. President, I misspoke when I said 'manufacturer', Senator Guess, but there are people engaged in the school bus business, the selling of school buses, in the state of Washington. Does this bill in any way put people in the state of Washington at a disadvantage in comparison with surrounding states?"

Senator Guess: "The only disadvantage is that a school bus that has been manufactured to the western standards or to the national standards and used in Idaho will then be able to be used in any other state. If you are thinking of the amount of increase in competition, if a person doesn't like competition, then he will face, perhaps, additional competition when it comes for somebody buying a used school bus. Right now, because no other state has the same standards that we have, they don't face competition from out of state, but, in my opinion, competition never hurt anybody. In fact, competition is the spice of life so I am sure that it will be to the betterment of all of us."

#### POINT OF INQUIRY

Senator Newschwander: "Senator Guess, I didn't like your answer on that blank. How could we pass the bill and put a dollar amount in later? I know that it is fifty cents a bus, but it certainly sounds unconstitutional to pass the bill and then have the ways and means committee put the total dollar amount later where it is now blank."

Senator Guess: "Mr. President, there are eighteen hundred and ninety-six buses in the state, and fifty cents a bus, I think will be the amount."

#### MOTIONS

On motion of Senator Guess, Engrossed Senate Bill No. 2437 was returned to second reading.

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

On page 7, line 21, strike "....." and insert "nine hundred fifty"

#### MOTION

On motion of Senator Guess, Reengrossed Senate Bill No. 2437 was advanced to third reading, the second 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. 2437 and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; excused, 12.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—36.

Voting nay: Senator Pullen—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Murray, Peterson, Rasmussen, Walgren, Wanamaker, Woody—12.

REENGROSSED SENATE BILL NO. 2437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate returned to the fourth order of business.

### MESSAGE FROM THE HOUSE

March 25, 1977.

Mr. President: The House has passed REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620 with the following amendments:

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and sections 13 through 16 of this 1977 amendatory act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses" for the purposes of section 3 of this 1977 amendatory act.

NEW SECTION. Sec. 3. In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than September 30, 1977, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

**NEW SECTION.** Sec. 4. In addition to any other powers previously vested in the department of social and health services, the department is authorized to permit withdrawal of public surface and ground waters for municipal and industrial water supply and distribution facilities to alleviate emergency water supply conditions arising from the drought forecast for the state during the summer and fall of 1977. Such authorization shall be on a temporary basis for any period ending not later than September 30, 1977. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

**NEW SECTION.** Sec. 5. (1) As to projects and water withdrawal permits issued or authorized or both under sections 3 and 4 of this 1977 amendatory act, the requirements of chapter 43.21C RCW and all local zoning ordinances, plans, and local building and construction permit ordinances are waived and inapplicable. Notwithstanding any other provisions of law, water projects and related withdrawal permits, authorized or issued pursuant to sections 3 or 4 of this 1977 amendatory act shall not be subject to any public notice requirements. Permits issued under sections 3 and 4 of this 1977 amendatory act shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140, 75.20.100, and 86.16.080, as well as all other similar permits required under local ordinances. All state departments or other agencies having jurisdiction over state or other public lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to sections 3 and 4 of this 1977 amendatory act, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed.

(2) Upon request of the department of ecology or the department of social and health services, the department of general administration may waive any public bidding requirements otherwise provided by law, for any project authorized by sections 3 or 4 of this 1977 amendatory act and financed with funds appropriated in this 1977 amendatory act if the department of general administration determines that (a) an emergency condition exists, and (b) if the request for a waiver is not approved the public interest will be significantly affected in a detrimental manner. The department of general administration shall rule upon requests for waiver submitted to it within five working days. If the department fails to rule within said five-day period the request shall be deemed approved and a waiver deemed to be granted.

The department of general administration, after obtaining the views of the department of ecology and the department of social and health services, shall adopt rules to implement this section. Notwithstanding any other provision of this 1977 amendatory act, this subsection shall terminate on September 30, 1977.

NEW SECTION. Sec. 6. (1) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize any interference whatsoever with existing water rights.

(2) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority.

(3) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize the establishment of a water right under RCW 90.03.250 or 90.44.060.

(4) Nothing in sections 1 through 10 of this 1977 amendatory act shall preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060: PROVIDED, HOWEVER, That any such application for withdrawal rights as to withdrawals made under authority of sections 1 through 10 of this 1977 amendatory act shall be subject to all applicable laws and rules as though sections 1 through 10 of this 1977 amendatory act had not existed.

NEW SECTION. Sec. 7. (1) The department of ecology shall adopt such rules as are necessary and appropriate to carry out the powers provided in this 1977 amendatory act.

(2) The department of social and health services shall adopt such rules as are necessary and appropriate to carry out the powers provided in this 1977 amendatory act.

NEW SECTION. Sec. 8. The power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 90.03, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

NEW SECTION. Sec. 9. The department of ecology is authorized to employ necessary temporary personnel until September 30, 1977, in project-related fields, including, but not limited to, engineering, hydrology, geology, and natural or water resources, not to exceed five full time equivalent staff years to carry out the provisions of sections 1 through 10 this 1977 amendatory act. Such temporary personnel shall be funded only through the biennial appropriations to the department, and not by funds provided by this 1977 amendatory act.

NEW SECTION. Sec. 10. (1) The department of ecology shall, by rule, establish rates of charges for all waters delivered from such facilities as constructed by the department with funds provided in sections 18(2) or (3) of this 1977 amendatory act. Where the department provides water to public or municipal corporations or other governmental bodies having authority to distribute water, the payment for the water may be made pursuant to contract over a period not exceeding twenty-five years from the date of delivery. In all other cases, the department shall obtain payment for waters prior to its delivery to a purchaser. All payments received shall be deposited into the state emergency water projects bond redemption fund of 1977.

(2) Public bodies, eligible to obtain funds through grants or loans or combinations thereof under the provisions of sections 1 through 10 of this 1977 amendatory act and RCW 43.83B.210 as now or hereafter amended, are authorized to enter into contracts with the department of ecology for the purpose of repaying loans authorized by sections 17 and 18 of this 1977 amendatory act and for the purpose of purchasing water under this section.

(3) The department of ecology is authorized to enter into appropriate contracts to ensure effective delivery of water and the operation and maintenance of facilities constructed pursuant to this 1977 amendatory act.

Sec. 11. Section 3, chapter 295, Laws of 1975 1st ex. sess., as amended by section 1, chapter 36, Laws of 1975-'76 2nd ex. sess. and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands or, when required because of emergency drought conditions, to provide water to previously irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for projects authorized by section 18 of this 1977 amendatory act the department of ecology may make a loan or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed fifteen percent of the total single project cost. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

NEW SECTION. Sec. 12. The state finance committee is authorized to prescribe the form of the bonds authorized in section 1 of this 1977 amendatory act, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

As used in sections 1, and 12 through 16 of this 1977 amendatory act, the term "water supply facilities for water withdrawal and distribution" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to the acquisition, construction, installation, improvement, or use of any water supply or distribution system furnishing water for agricultural, municipal or industrial purposes.

NEW SECTION. Sec. 13. At the time the state finance committee determines to issue such bonds authorized in sections 1, and 12 through 16 of this 1977 amendatory act or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by sections 1, and 12

through 16 of this 1977 amendatory act shall be deposited in the state emergency water projects revolving account, hereby created in the general fund in the state treasury, and shall be used exclusively for the purposes specified in sections 1, and 12 through 16 of this 1977 amendatory act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by section 15 of this 1977 amendatory act.

**NEW SECTION.** Sec. 14. The principal proceeds from the sale of the bonds authorized in sections 1, and 12 through 16 of this 1977 amendatory act shall be administered by the director of the department of ecology.

**NEW SECTION.** Sec. 15. The state emergency water projects bond redemption fund of 1977, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by sections 1, and 12 through 16 of this 1977 amendatory act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 emergency water projects bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

**NEW SECTION.** Sec. 16. The bonds authorized by sections 1, and 12 through 16 of this 1977 amendatory act shall be a legal investment for all state funds under state control and all funds of municipal corporations.

**NEW SECTION.** Sec. 17. There is hereby appropriated to the department of social and health services the sum of nine million seven hundred thirty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund—state and local improvements revolving account—water supply facilities for the purposes authorized in sections 1 through 10 of this 1977 amendatory act and RCW 43.83B.210 as now or hereafter amended relating to the emergency water conditions arising from the drought forecast for the summer and fall of 1977 affecting municipal and industrial water supply distribution facilities. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

(2) There is hereby appropriated to the department of social and health services the sum of five million three hundred twenty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund—state and local improvements revolving account—water supply facilities to be expended for municipal and industrial water supply and distribution facility projects for which applications are in progress on the effective date of this 1977 amendatory act and have arisen from the drought forecast for the summer and fall of 1977. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

The municipal and industrial water supply and distribution facilities receiving funds from the appropriations contained in this section shall comply with the eligible costs criteria, health and design standards, and contract performance requirements of the municipal and industrial funding program under chapter 43.83B RCW. All



projects shall be evaluated by applying the said chapter's evaluation and prioritization criteria to insure that only projects related to water shortage problems receive funding. The projects funded shall be limited to those projects providing interties with adjacent utilities, an expanded source of supply, conservation projects which will conserve or maximize efficiency of the existing supply, or a new source of supply. No obligation to provide a grant for a project authorized under this section shall be incurred after June 30, 1977.

**NEW SECTION.** Sec. 18. (1) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of seven million dollars, or so much thereof as may be necessary, which shall be expended for the financing of the following agricultural water supply and distribution projects from surface water sources: Kennewick Irrigation District; Kittitas Reclamation District; Stemilt Irrigation District; Wenatchee Heights Reclamation District; and the Wenatchee Reclamation District.

(2) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of five million dollars, or so much thereof as may be necessary, which shall be expended for the financing and construction of agricultural water supply and distribution projects from ground water sources primarily in the Moxee-Ahtanum and Park Creek aquifer areas.

(3) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water supply revolving account in the general fund the sum of six million dollars, or so much thereof as may be necessary, which shall be expended for water withdrawal projects relating to ground and surface waters as provided for in subsections (1) and (2) of this section and for the financing and construction of agricultural water supply and distribution projects from ground and surface water sources which may become required by public bodies other than those identified in this section as a result of the drought forecast for the summer and fall of 1977.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050. The grant portion of a combination loan and grant to a public body for any project shall not exceed fifteen percent of the total amount received by such project under this section.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050 to satisfy the matching requirements of RCW 43.83B.210 as now or hereafter amended.

Prior to the funding of any agriculture projects not specifically set forth in this section the department must make a formal finding that: An emergency water shortage condition exists; the project proposed for funding will alleviate the water shortage; the public body recipient of any funds has reasonable capability to repay the loan involved; and the water from the project will be used for a beneficial purpose as a substitute for water not available due to drought conditions.

**NEW SECTION.** Sec. 19. If any provision of this 1977 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. 20. This 1977 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, line 1, of the title after "water;" strike the remainder of the title and insert "amending section 3, chapter 295, Laws of 1975 1st ex. sess. as amended

by section 1, chapter 36, Laws of 1975-'76 2nd ex. sess. and RCW 43.83B.210; creating new sections; authorizing the issuance of general obligation bonds and bond anticipation notes; making appropriations; prescribing penalties; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendments to Reengrossed Second Substitute Senate Bill No. 2620.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 2620, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—38.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Murray, Peterson, Rasmussen, Wanamaker, Woody—11.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2620, 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 Jones, Senator Matson was excused.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Morrison yield to a question? Senator Morrison, I can't help but notice the absence of Senator Benitz on a bill that he worked so terribly hard on, and I know he has an excellent excuse, and I am asking you where he is so it will be in the record."

Senator Morrison: "Thank you, Senator Bottiger. Senator Benitz regrets that he was unable to be here for the final vote on a bill that he did truly, I think, work its way through the legislature. He is attending on behalf of the legislature the emergency drought meeting of legislators in Denver, Colorado, and had to leave just prior to the vote."

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 61.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Odegaard, the appointment of Dee Pedersen as a member of the Board of Trustees of Highline Community College, District No. 9, was confirmed.

## APPOINTMENT OF DEE PEDERSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; nays, 2; absent or not voting, 1; excused, 11.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—35.

Voting nay: Senators Cunningham, North—2.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Matson, Murray, Rasmussen, Wanamaker, Woody—11.

## SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2620.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Odegaard, the appointment of Ms. Jo Ann Schirmer as a member of the Board of Trustees, Walla Walla Community College, District No. 20, was confirmed

## APPOINTMENT OF MS. JO ANN SCHIRMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 1; excused, 11.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—36.

Voting nay: Senator Cunningham—1.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Beck, Benitz, Fleming, Francis, Gaspard, Grant, Matson, Murray, Rasmussen, Wanamaker, Woody—11.

## MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Odegaard, the appointment of Dr. William J. Scheyer as a member of the Board of Trustees, Peninsula Community College, District No. 1, was confirmed.

## APPOINTMENT OF DR. WILLIAM J. SCHEYER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; nays, 1; absent or not voting, 2; excused, 12.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Day, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—34.

Voting nay: Senator Cunningham—1.

Absent or not voting: Senators Mardesich, von Reichbauer—2.

Excused: Senators Beck, Benitz, Donohue, Fleming, Francis, Gaspard, Grant, Matson, Murray, Rasmussen, Wanamaker, Woody—12.

### MOTIONS

On motion of Senator Jones, Senators Guess and Hayner were excused.

### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Odegaard, the appointment of William J. Johnston as a member of the Board of Trustees, Skagit Valley Community College, District No. 4, was confirmed.

### APPOINTMENT OF WILLIAM F. JOHNSTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 32; nays, 1; absent or not voting, 2; excused, 14.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Day, Goltz, Gould, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—32.

Voting nay: Senator Cunningham—1.

Absent or not voting: Senators Mardesich, von Reichbauer—2.

Excused: Senators Beck, Benitz, Donohue, Fleming, Francis, Gaspard, Grant, Guess, Hayner, Matson, Murray, Rasmussen, Wanamaker, Woody—14.

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

### MESSAGE FROM THE HOUSE

March 25, 1977.

Mr. President: The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 2620, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTIONS

On motion of Senator Walgren, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2885.

On motion of Senator Walgren, Senate Bill No. 2885 was referred to the Committee on Transportation at the request of Senator Buffington.

#### MOTION

At 2:10 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, March 28, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 28, 1977.

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 Buffington, Cunningham, Fleming, Grant, Hayner, Matson, Scott and Woody. On motion of Senator Jones, Senators Buffington, Hayner, Matson and Scott were excused. On motion of Senator Sandison, Senators Grant, Fleming and Woody were excused.

The Color Guard, consisting of Pages Paul Simmons and Kim Pierce, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, INSTILL WITHIN US TODAY A STRONG DESIRE TO PLEASE YOU AND TO DO YOUR WILL. THERE ARE ISSUES BEFORE THIS BODY THAT INVARIABLY CAUSE SOME TO ASK, 'GOD, IS THIS YOUR WILL? WILL THIS HELP US TO BUILD A BETTER SOCIETY? WILL THIS BRING ABOUT HAPPINESS FOR PEOPLE? OR IS IT JUST ANOTHER ATTEMPT OF MAN TO DO THINGS IN HIS WAY?' FATHER, GIVE THESE LAWMAKERS A SENSE OF DIRECTION, A SENSE OF PURPOSE, A DEEP KNOWLEDGE THAT WHAT IS BEING DONE IS RIGHT.

"FOR YOUR HIGH IDEALS AND GLORIOUS CONCEPTS, WE HUMBLY PRAY, OUR FATHER. THANK YOU FOR JESUS WHO BORE OUR SINS IN HIS OWN BODY ON THE TREE. THANK YOU FOR FORGIVENESS. THANK YOU FOR THE JOY OF SERVICE. MAY WE BE GOOD STEWARDS THIS DAY OF OUR TIME AND OF OUR OPPORTUNITIES. WE PRAY THESE THINGS IN JESUS' NAME. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 23, 1977.

SENATE BILL NO. 2104, authorizing salmon license limitations (reported by Committee on Natural Resources):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2104 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

March 25, 1977.

SENATE BILL NO. 2430, authorizing class AA or class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2430 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.  
 MINORITY recommendation: Do not pass.  
 Signed by: Senator Bluechel.  
 Passed to Committee on Rules for second reading.

March 25, 1977.

SENATE BILL NO. 2800, relating to tuition and fees of state institutions of higher education (reported by Committee on Higher Education):  
 MAJORITY recommendation: Refer to Ways and Means Committee.  
 Signed by: Senators Odegaard, Chairman; Donohue, Goltz, Guess, Sandison.  
 Referred to Committee on Ways and Means.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 25, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 25, 1977, Governor Ray approved the following Senate bills entitled:

SECOND SUBSTITUTE SENATE BILL No. 2620, relating to water.

SENATE BILL NO. 2106, relating to liens.

SENATE BILL NO. 2110, relating to counties.

SENATE BILL NO. 2123, relating to fire protection district commissioners.

SENATE BILL NO. 2124, relating to highway projects.

SENATE BILL NO. 2181, relating to surface mining.

SENATE BILL NO. 2024, relating to counties.

SENATE BILL NO. 2071, relating to civil liability of health practitioners.

SENATE BILL NO. 2090, relating to legend drugs.

SENATE BILL NO. 2126, relating to the regulation of railroads.

SENATE BILL NO. 2157, relating to the medical disciplinary board.

Sincerely,  
 JOE ZASPEL  
 Legislative Assistant.

### MESSAGE FROM THE HOUSE

March 25, 1977.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 928, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 928, by Committee on Energy and Utilities (originally sponsored by Representatives Lysen, Sherman, King, Kilbury, O'Brien, Charnley, Gruger, Pruitt, Gallagher, Boldt, McCormick, Hawkins, Nelson (Dick), Bauer, Gaines, Clemente and Leckenby) (by Executive Request of Governor Ray):

Revising energy emergency powers and procedures.

Referred to Committee on Energy and Utilities.

### MOTION

At 11:10 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

## NOON SESSION

The President called the Senate to order at 12:25 p.m.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Walgren, the appointment of Kazuo "Kaz" Watanabe as a Director of the Department of Commerce and Economic Development was confirmed.

## APPOINTMENT OF KAZUO "KAZ" WATANABE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Cunningham, Herr, Newschwander—3.

Excused: Senators Buffington, Fleming, Grant, Hayner, Matson, Scott, Woody—7.

## MOTION

On motion of Senator Jones, Senator Cunningham was excused.

## MOTION

On motion of Senator Odegaard, the appointment of Patricia Hite as a member of the Board of Trustees, Whatcom Community College, District No. 21, was confirmed.

## APPOINTMENT OF PATRICIA HITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senator Herr—1.

Excused: Senators Buffington, Cunningham, Fleming, Grant, Hayner, Matson, Scott, Woody—8.

## MOTION

On motion of Senator Odegaard, the appointment of Paul Edmondson as a member of the Board of Trustees, Yakima Valley Community College, District No. 16, was confirmed.

## APPOINTMENT OF PAUL EDMONDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator Herr—1.

Excused: Senators Buffington, Fleming, Grant, Hayner, Matson, Scott, Woody—7.

## MOTION

On motion of Senator Odegaard, the appointment of Rosemary Smith as a member of the Board of Trustees, Lower Columbia Community college, District No. 13, was confirmed.

## APPOINTMENT OF ROSEMARY SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator Herr—1.

Excused: Senators Buffington, Fleming, Grant, Hayner, Matson, Scott, Woody—7.

## MOTION

On motion of Senator Odegaard, the appointment of Ms. Rowena Christenson as a member of the Board of Trustees, Big Bend Community College, District No. 18, was confirmed.

## APPOINTMENT OF MS. ROWENA CHRISTENSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Excused: Senators Buffington, Fleming, Grant, Hayner, Matson, Scott, Woody—7.

## MOTION

At 12:40 p.m., on motion of Senator Walgren, 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 Odegaard, Senator Herr was excused.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Odegaard, the appointment of Jack Cole as a member of the Board of Regents, Washington State University was confirmed.

## APPOINTMENT OF JACK COLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent or not voting, 6; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Benitz, Bottiger, Guess, Newschwander, Pullen, Ridder—6.

Excused: Senators Fleming, Grant, Hayner, Herr, Matson, Woody—6.

## MOTION

On motion of Senator Odegaard, the appointment of Myron Stevens as a member of the Board of Trustees, Shoreline Community College, District No. 7, was confirmed.

## APPOINTMENT OF MYRON STEVENS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Benitz, Bottiger, Guess, Newschwander, Ridder—5.

Excused: Senators Fleming, Grant, Hayner, Herr, Matson, Woody—6.

## MOTION

On motion of Senator Odegaard, the appointment of Jane Hughes as a member of the Board of Trustees, Peninsula Community College, District No. 1, was confirmed.

## APPOINTMENT OF JANE HUGHES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Benitz, Guess, Newschwander, Ridder—4.

Excused: Senators Fleming, Grant, Hayner, Herr, Matson, Woody—6.

#### MOTION

On motion of Senator Jones, Senator Newschwander was excused.

#### MOTION

On motion of Senator Odegaard, the appointment of Patricia McGlashan as a member of the Board of Trustees, Bellevue Community College, District No. 8, was confirmed.

#### APPOINTMENT OF PATRICIA McGLASHAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent or not voting, 4; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Benitz, Gaspard, Guess, Ridder—4.

Excused: Senators Fleming, Grant, Hayner, Herr, Matson, Newschwander, Woody—7.

#### MOTION

On motion of Senator Jones, Senators Benitz and Guess were excused.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2196.

#### SECOND READING

SENATE BILL NO. 2196, by Senators Woody, Clarke and Bottiger:

Increasing civil courts filing fees.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 2196 was advanced to third reading, the second 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. 2196, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Henry, Herr,

Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator Ridder—1.

Excused: Senators Fleming, Grant, Guess, Hayner, Matson, Newschwander, Woody—7.

SENATE BILL NO. 2196, having received the constitutional majority, was declared passed. 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. 2221.

### SECOND READING

SENATE BILL NO. 2221, by Senators Francis, Clarke and Van Hollebeke: Increasing the number of King county superior court judges.

### REPORT OF STANDING COMMITTEE

February 1, 1977.

SENATE BILL NO. 2221, increasing the number of King County superior court judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

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 3 of the title, after "RCW 2.08.061" and before the "." insert "; and declaring an emergency"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Hayner, Jones, 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.

### MOTION

Senator Francis moved that Senate Bill No. 2221, as amended, be advanced to third reading and final passage.

### MOTION

Senator Cunningham moved that Senate Bill No. 2221, as amended, be held for consideration tomorrow.

### MOTION

On motion of Senator Francis, Senate Bill No. 2221, as amended, was made a special order of business for 2:20 today.

## MOTION

At 1:55 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, March 29, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## NINETEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 29, 1977.

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 Fleming and Woody. On motion of Senator Odegaard, Senators Fleming and Woody were excused.

The Color Guard, consisting of Pages Mark Gauger and Paula Weisel, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, IN THIS TIME OF VERTICAL COMMUNICATION, WE ASK THAT YOU WOULD HELP US EMPTY OUT ALL OF OUR OLD DEAD THOUGHTS. WE ASK FOR A REBIRTH OF MIND AND SPIRIT. WE KNOW THAT THE OPPOSITE OF WEARINESS IS REFRESHING. REFRESH US, OH GOD! THE PALMIST HAD AN EXPERIENCE LIKE THAT, LORD, FOR HE SAID, 'YOU HAVE TURNED ON MY LIGHT! THE LORD MY GOD HAS MADE MY DARKNESS TURN TO LIGHT. NOW IN YOUR STRENGTH I CAN SCALE ANY WALL, ATTACK ANY TROOP.' LET IT HAPPEN FOR US TODAY. MAY ZEST AND ENTHUSIASM FILL US TO OVERFLOWING. THE TASKS AND RESPONSIBILITIES OF THE DAY DEMAND IT, LORD. WE NEED DIVINE ENERGY AND QUICKENING. AND NOW, AS WE STAND IN THIS LEGISLATIVE HALL TOGETHER, WE THANK YOU FOR IT. YOU SAID THAT IF WE WOULD ASK ANYTHING IN YOUR NAME, WE WOULD RECEIVE. THANK YOU RIGHT NOW FOR REFRESHING; FOR THAT REBIRTH OF MIND AND SPIRIT THAT WILL BRING THE GREATEST GOOD OUT OF THIS DAY. BLESS THESE LEADERS, LORD, WITH A BRIGHT, VICTORIOUS, PRODUCTIVE DAY IN THE WORK YOU HAVE GIVEN THEM TO DO. IN JESUS' 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.

### MOTION

On motion of Senator Guess, the prayer by Reverend Cole was ordered reprinted and a copy distributed to each member of the Senate.

## REPORTS OF STANDING COMMITTEES

March 28, 1977.

SENATE BILL NO. 2681, amending the appropriations law to direct transfers of certain funds of the state treasurer (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2681 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Morrison, Murray, Rasmussen, Ridder, Washington.

Passed to Committee on Rules for second reading.

March 28, 1977.

SENATE BILL NO. 2702, including state collected school property taxes for distribution during the school district fiscal year (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2702 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Morrison, Murray, Rasmussen, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

March 24, 1977.

SENATE BILL NO. 2938, modifying crime victims compensation provisions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 23, 1977.

SENATE BILL NO. 2975, relating to the liability of ski resort operators (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2975 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Odegaard, Scott.

Passed to Committee on Rules for second reading.

March 28, 1977.

SENATE BILL NO. 3019, making an appropriation to the superintendent of public instruction for disbursement to certain school districts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Morrison, Murray, Rasmussen, Ridder, Washington.

Passed to Committee on Rules for second reading.

March 28, 1977.

SENATE BILL NO. 3047, extending the application date to April 30 for current use classification of agricultural land for taxation beginning in the subsequent year (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3047 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 28, 1977.

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

LADIES AND GENTLEMEN:

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

Mrs. Benay Nordby, appointed to the Board of Trustees for the Green River Community College, District No. 96, succeeding Dr. Spencer W. Shaw, for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 28, 1977.

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

LADIES AND GENTLEMEN:

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

James G. Swinyard, appointed March 18, 1977, for a term ending July 1, 1981, succeeding Lorna Ream as a member of the State Highway Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, March 28, 1977.

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

LADIES AND GENTLEMEN:

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

Father Matthew Naumes, appointed April 16, 1977, for a term ending April 15, 1982, succeeding Jack Berry as a member of the Board of Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

MESSAGES FROM THE HOUSE

March 28, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 58,  
ENGROSSED HOUSE BILL NO. 356,  
SUBSTITUTE HOUSE BILL NO. 601,  
SUBSTITUTE HOUSE BILL NO. 643,  
HOUSE BILL NO. 657,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 707, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 28, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2057, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2057.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 58, by Representatives Ehlers, Boldt and Polk:

Establishing a method by which certain criminal cost bills will be paid by the state.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 356, by Representatives Gaines, Paris, North, Gallagher and Warnke:

Limiting the liability relative to unintentional injuries of public and private landowners when such lands are being used by the public for outdoor recreation.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 601, by Committee on Commerce (Originally sponsored by Representatives Hanna, Warnke, Hawkins, Adams, Salatino, Grier, Hansen, Heck, Gallagher, McCormick and Gaines):

Revising gambling laws on card games.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 643, by Committee on Judiciary (Originally sponsored by Representatives Deccio, Knowles, Whiteside and Chandler):

Granting grandparent visitation rights.

Referred to Judiciary Committee.

HOUSE BILL NO. 657, by Representatives Ehlers, Nelson (Gary) and Sommers (by State Auditor request):

Removing the state auditor from membership on the state retirement board.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 707, by Committee on Commerce (Originally sponsored by Representatives Warnke, McCormick, Salatino, Gaines and Fischer):

Revising laws relating to licensing, regulation, and inspection of massage parlors.

Referred to Committee on Commerce.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 87.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Odegaard, the appointment of Cherry Jarvis as a member of the Board of Trustees, Shoreline Community College, District No. 7, was confirmed.



### APPOINTMENT OF CHERRY JARVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—47.

Excused: Senators Fleming, Woody—2.

### MOTION

On motion of Senator Odegaard, the appointment of Alan P. Vandervert as a member of the Board of Trustees, Tacoma Community College, District No. 22, was confirmed.

### APPOINTMENT OF ALAN P. VANDERVERT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—47.

Excused: Senators Fleming, Woody—2.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Resolution No. 104.

### SECOND READING

SENATE JOINT RESOLUTION NO. 104, by Senators Francis, Clarke, Marsh and Van Hollebeke:

Amending the Constitution to adopt a new judicial article.

The Senate resumed consideration of Senate Joint Resolution No. 104, as amended on March 24, 1977.

Senator Mardesich moved adoption of the following amendment:

On page 2, after line 28, insert a new section as follows:

"Article IVA, section 11. QUALIFICATIONS OF ATTORNEYS. Qualifications of attorneys shall be prescribed by statute or supreme court rules authorized by statute."

Re-number remaining sections consecutively.

### POINT OF INQUIRY

Senator Francis: "Will Senator Mardesich yield to a question? Senator Mardesich, my first question is what does the present state Constitution say on this subject?"

Senator Mardesich: "I don't know what it says, but this is a new constitutional amendment we are considering, and the rationale applied to this amendment may

well be amendatory to the Constitution. If it is, the body might see fit to adopt or reject as they desire."

Senator Francis: "My second question, Senator Mardesich, would be what is the problem to which your proposed amendment addresses itself?"

Senator Mardesich: "The problem is that under the possible interpretation that the court would be the sole judge of qualification, then they could well have a very restrictive group and a restriction on the number of entries into the field. I don't say that will happen. I simply point out that that is a possibility and that the legislature should retain to itself the authority to keep that group a relatively open and accessible group, one to which people may aspire to be attorneys and judges and to which they may enter without having the qualifications set at such a high standard that they would be unreasonable."

Debate ensued.

### POINT OF INQUIRY

Senator Pullen: "Thank you, Mr. President. Would Senator Mardesich yield to a question? Senator Mardesich, could you tell me what the difference would be between being an attorney and in being eligible to practice law in this state?"

Senator Mardesich: "The difference is that in the passage of laws the people respond. It is the right of people to elect those whom they wish to represent them, and it is the right of the legislature who have been sent here by the people to determine the qualifications of judges and attorneys, and that is the issue to which this amendment addresses itself. We have never left up to the controlling or regulating body, in any other case, the full and constitutional authority which we would not be able to then change were we to adopt this amendment. We have not allowed any other group to have that constitutional right, and this merely assures that neither will the lawyers have a constitutional right which we, as the legislature representing the people, have the authority to change."

Senator Pullen: "Would it be your intention that for a person to be eligible to practice law in this state he would also have to be an attorney?"

Senator Mardesich: "My intention does not relate to that issue. That would be a question for the legislature if and when the issue arises which it undoubtedly would, were this constitutional amendment to be adopted. Then the legislature would make the determination as to, number one, what the qualifications would be should it desire to establish those qualifications or, as an alternative, to allow the court to establish those qualifications, and I am sure that the legislature has enough to do, and they would probably assign that task to the court. By putting this into the Constitution, we would reserve to ourselves, the legislature, the representatives of the people, the right to change that qualification rather than have it very restrictive, which possibility exists."

"The question of what should go into a constitution is one Senator Francis says I don't have any specific example, but I would think the purpose of a Constitution is not only to address itself to specific examples, but to all of the possibilities that the framers of that Constitution see in the future, and the Constitution is designed to allow the people the rights that they have. That is all that my amendment does. It reserves in the people and their representatives the right to determine what the qualifications of the judiciary and the bar will be."

Further debate ensued.

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

On motion of Senator Morrison, the following amendment by Senators Morrison and von Reichbauer was adopted:

On page 2, line 32, after "vote." insert "To be eligible for appointment or election to a judicial position in a district court, the person must meet all of the requirements of a judge sitting in a court of record except that a person who has been elected and is serving as a justice of the peace or as a district court judge in Washington on the effective date of this constitutional amendment shall not be required to be admitted to the practice of law in the state of Washington."

On motion of Senator Francis, Engrossed Senate Joint Resolution No. 104 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 Engrossed Senate Joint Resolution No. 104, and the resolution failed to pass the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Talley, Van Hollebeke, Wojahn—29.

Voting nay: Senators Beck, Benitz, Cunningham, Guess, Hayner, Henry, Lewis, Mardesich, Matson, Newschwander, Pullen, Rasmussen, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—18.

Excused: Senators Fleming, Woody—2.

ENGROSSED SENATE JOINT RESOLUTION NO. 104, having failed to receive the constitutional two-thirds majority, was declared lost.

### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, at the appropriate time, move for reconsideration of the vote by which Engrossed Senate Joint Resolution No. 104 failed to pass the Senate.

### MOTION

At 11:55 a.m., on motion of Senator Walgren, 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 Odegaard, Senators Herr and Murray were excused.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 92.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Odegaard, the appointment of David T. Moody as a member of the Board of Trustees, Big Bend Community College, District No. 18, was confirmed.

## APPOINTMENT OF DAVID T. MOODY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Benitz, Day, Grant, Mardesich—4.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## MOTION

On motion of Senator Odegaard, the appointment of Beverly Schoenfeld as a member of the Board of Trustees, Green River Community College, District No. 10, was confirmed.

## APPOINTMENT OF BEVERLY SCHOENFELD

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 Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senators Benitz, Day, Mardesich—3.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## MOTION

Senator Rasmussen moved the appointment of Diane Oberquell as Chairman of the Board of Prison Terms and Paroles be confirmed.

## POINT OF ORDER

Senator Clarke: "Point of order, Mr. President. The appointment of Diane Oberquell, which is number 42, and the following ones upon the calendar which I will read, all fall within the list which the Governor requested be withdrawn en masse and which the Senate purported to, in effect, withdraw en masse. The point of order has been previously made as to similar such appointments, and the arguments on both sides have been made. So with the consent of the Senate I would like to have the record show that the same objection and the entire record with respect to this particular point as was made as to the previous appointments be regarded as having been made, and the particular appointments to which I make reference are numbers 42, 44, 68, 73, 76, 77, 79, 85, 86 and 90. I would also, at this time like to have it made clear that many of us on this side of the aisle will be voting 'no' upon these appointments, and the reason for that vote is solely upon the point of order and is not intended to have any significance with respect to the capability or qualifications of the particular individuals."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Responding to Senator Clarke, simply to note for the record that the arguments that have been made on behalf of these gubernatorial appointments who have faced the similar situation to which Senator Clarke refers, that arguments should also be part of the record, and the understanding that has been indicated by Senator Clarke is certainly agreed to."

Debate ensued.

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. It is my understanding that your ruling on the point of order will be the same and that the record will be the same as on the previous point."

## REPLY BY THE PRESIDENT

President Cherberg: "That is correct, Senator Clarke."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "In answer to Senator Rasmussen, we were rather careful on our side not to get into the merits of the situation because we didn't believe this was the time or place to argue it, and by remaining silent I don't want you to assume that we are agreeing with everything that you say, Senator."

The motion by Senator Rasmussen carried.

## APPOINTMENT OF DIANE OBERQUELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Day, the appointment of Walter T. Hubbard as a member of the Board of Prison Terms and Paroles was confirmed.

## APPOINTMENT OF WALTER T. HUBBARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Herr, Murray, Woody—4.

#### MOTION

On motion of Senator Odegaard, the appointment of Ms. Phyllis Goldschmid as a member of the Board of Trustees, Olympic Community College, District No. 3, was confirmed.

#### APPOINTMENT OF MS. PHYLLIS GOLDSCHMID

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 16; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—16.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Herr, Murray, Woody—4.

#### MOTION

On motion of Senator Odegaard, the appointment of Mary McKinley as a member of the Board of Trustees, Bellevue Community College, District No. 8, was confirmed.

#### APPOINTMENT OF MARY MCKINLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Herr, Murray, Woody—4.

#### MOTION

On motion of Senator Odegaard, the appointment of M. Chandler Redman as a member of the Board of Trustees, Olympic Community College, District No. 76, was confirmed.

## APPOINTMENT OF M. CHANDLER REDMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## MOTION

On motion of Senator Lewis, Senator Gould was excused.

## MOTION

On motion of Senator Odegaard, the appointment of David C. Van Hoose as a member of the Board of Trustees, Highline Community College, District No. 9, was confirmed.

## APPOINTMENT OF DAVID C. VAN HOOSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 14; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Guess, Hayner, Lewis, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—14.

Absent or not voting: Senators Jones, Matson—2.

Excused: Senators Fleming, Gould, Herr, Murray, Woody—5.

## MOTION

On motion of Senator Odegaard, the appoint of Bob J. Mickelson as a member of the Board of Trustees, Walla Walla Community College, District No. 20, was confirmed.

## APPOINTMENT OF BOB J. MICKELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 16; excused, 5.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—16.

Excused: Senators Fleming, Gould, Herr, Murray, Woody—5.

## MOTION

On motion of Senator Jones, Senator Bluechel was excused.

## MOTION

On motion of Senator Odegaard, the appointment of Dorothy M. Knechtel as a member of the Board of Trustees, Spokane Community College, District No. 17, was confirmed.

## APPOINTMENT OF DOROTHY M. KNECHTEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 15; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Hayner, Jones, Lewis, Matson, Morrison, North, Pullen, Scott, Sellar, Wanamaker—15.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Francis yield to a question?"

## POINT OF ORDER

Senator Francis: "What is the matter that is before the Senate at this time?"

## REPLY BY THE PRESIDENT

President Cherberg: "The gubernatorial appointment calendar, Senator Francis."

## REMARKS BY SENATOR FRANCIS

Senator Francis: "Well, I will only yield to a question relating to a matter before the Senate at this time."

## REMARKS BY SENATOR CUNNINGHAM

Senator Cunningham: "I think I am stopped on that one, but when would Senator Francis yield to a question other than on a gubernatorial appointment?"

## REMARKS BY THE PRESIDENT

President Cherberg: "Senator Francis declines to yield, Senator Cunningham."

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Odegaard, the appointment of Gordon C. Culp as a member of the Board of Regents, University of Washington, was confirmed.



## APPOINTMENT OF GORDON C. CULP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 16; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—16.

Excused: Senators Fleming, Herr, Murray, Woody—4.

## MOTION

On motion of Senator Odegaard, the appointment of Gerald R. Brunstrom as a member of the Board of Trustees, Highline Community College, District No. 9, was confirmed.

## APPOINTMENT OF GERALD R. BRUNSTROM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Herr, Murray, Woody—3.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2143.

## SECOND READING

SENATE BILL NO. 2143, by Senators Bottiger, Gaspard and Wojahn:

Increasing the number of superior court judges in Pierce county from ten to twelve.

## MOTIONS

On motion of Senator Francis, 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 Walgren, the following amendment by Senators Walgren, Keefe, Day and Wojahn was adopted:

On page 1, line 18, after "court" insert ": PROVIDED, That the additional offices herein created for the counties of Spokane and Pierce shall become effective January 1, 1978"

On motion of Senator Walgren, the following amendment by Senators Walgren and Beck was adopted:

On page 1, line 27, after "court" insert "PROVIDED FURTHER, That the additional office herein created for the county of Kitsap shall become effective January 1, 1978"

On motion of Senator Walgren, the following amendment by Senator Walgren was adopted:

On page 2, line 2, after "court" insert ": PROVIDED, that the additional office herein created for the counties of Benton and Franklin jointly shall become effective January 1, 1978"

On motion of Senator Walgren, the following amendment by Senators Walgren and Peterson was adopted:

On page 2, line 26, after "court" insert ": PROVIDED, That the additional office herein created for the counties of San Juan and Island jointly shall become effective January 1, 1978"

The four preceding amendments were considered simultaneously and adopted on a rising vote.

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

On page 1, line 22, strike "one judge" and insert "((one judge)) two judges"

On page 1, line 27, after "court" insert ": PROVIDED, That the portion of this 1977 amendatory act which provides for two judges in Chelan county and said provision relating to Chelan county shall not take effect until January 1, 1978."

On motion of Senator Francis, Engrossed Substitute Senate Bill No. 2143 was advanced to third reading, the second 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. 2143, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators Newschwander, North, Pullen, Rasmussen—4.

Absent or not voting: Senator Guess—1.

Excused: Senators Herr, Murray, Woody—3.

ENGROSSED 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.

#### MOTION

At 2:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, March 30, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 30, 1977.

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, Grant and Woody. On motion of Senator Odegaard, Senators Fleming, Francis, Grant and Woody were excused.

The Color Guard, consisting of Pages Lisa Harold and Dan Lindberg, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE THANK YOU THAT YOU ARE A GOD THAT IS REACHABLE. YOU NEVER DISAPPOINT THOSE WHO REACH OUT TO YOU. THE INSPIRED WRITER SAID, 'DRAW NEAR TO GOD AND HE WILL DRAW NEAR TO YOU.' THOSE AROUND US MAY SEEM PREOCCUPIED AT TIMES, BUT NOT YOU, LORD. WE PAUSE IN THE BUSINESS, OR THE BUSY-NESS OF THIS DAY, TO SEEK YOUR HELP. NONE OF US HERE IS SINLESS. NONE OF US IS GETTING STRAIGHT 'A' IN ALL OF LIFE. WE NEED YOU LORD! AND HOW WE PRAISE YOU THAT YOU NEVER QUIT ON US. WHEN IT LOOKED LIKE YOU MIGHT LOSE THIS WORLD THAT YOU HAD MADE, YOU Poured MORE INTO IT . . . YOU GAVE YOUR ONLY SON. WE KNOW, LORD, THAT YOUR STILL GIVING. GIVE TO THESE LAWMAKERS THE WISDOM, THE STRENGTH, THE INSIGHT THEY NEED FOR THE DEMANDS OF TODAY. LET POSITIVE THOUGHT AND EMOTION FLOW THROUGH THIS HALL. WE TAKE THESE FEW MOMENTS TO TURN AWAY FROM THE MEAGER EFFORTS OF OUR LIVES TO DRAW UPON THE GREAT RECOURSES AVAILABLE THROUGH YOU, LORD. 'WE CAN DO ALL THINGS THROUGH CHRIST WHO IS STRENGTHENING US.' IN HIS 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

March 23, 1977.

SENATE BILL NO. 2379, regulating naturopathic physicians (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Cunningham, Francis, Herr, Monohon, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 24, 1977.

SENATE BILL NO. 2462, protecting initiative and referendum petition signatures (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Hayner, Lewis, Monohon, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 2501, revising the state supplement to federal supplemental security income payments (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to the committee on ways and means.

Signed by: Senators Day, Chairman; Buffington, Gould, Herr, Monohon, North, Pullen, Wojahn.

Referred to Committee on Ways and Means.

March 24, 1977.

SENATE BILL NO. 2870, permitting certain lobbying activities by state agencies (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2870 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Beck, Hayner, Lewis, Monohon, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 2874, specifying that public assistance standards be no less than the poverty level (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to the committee on ways and means.

Signed by: Senators Day, Chairman; Buffington, Gould, Herr, Monohon, North, Pullen, Wojahn.

Referred to Committee on Ways and Means.

March 8, 1977.

SENATE BILL NO. 2939, revising the laws for regulaton of podiatrists (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill 2939 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, North, Ridder, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 3040, increasing the number of public members on the state board of geographic names (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 3077, authorizing expenditures by municipal corporations for volunteers (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3077 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE JOINT RESOLUTION NO. 124, revising convening procedure and duration of legislative sessions (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Beck, Hayner, Lewis, Monohon, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, expanding the cemetery board and providing for its abolition in 1979 (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

March 29, 1977.

ALFRED HARSCH, to the position of Commissioner of the Public Disclosure Commission, appointed by the Governor on March 8, 1977 for the term ending December 31, 1977, succeeding himself (reported by the Committee on Constitution and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Grant, Chairman; Beck, Lewis, Monohon, Pullen, Wojahn.  
Passed to Committee on Rules.

March 29, 1977.

ELGIN E. OLRGG, to the position of member of the State Gambling Commission, appointed by the Governor on February 3, 1977 for the term ending July 1, 1978, succeeding Camden M. Hall (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules.

March 29, 1977.

MARY KNIBBS, to the position of member of the State Gambling Commission, appointed by the Governor on February 3, 1977 for the term ending July 1, 1981, succeeding Gordon Bass (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules.

March 29, 1977.

ROBERT M. FORD, to the position of member of the Board of Tax Appeals, appointed by the Governor on March 8, 1977 for the term ending March 1, 1983 (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Morrison, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules.

March 29, 1977.

GLENN CORREA, to the position of member of the Board of Tax Appeals, appointed by the Governor on March 18, 1977 for the term ending March 1, 1979, succeeding Robert Tenney (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Morrison, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

March 29, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2057, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 29, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 54,

ENGROSSED HOUSE BILL NO. 150,

ENGROSSED HOUSE BILL NO. 355,

SUBSTITUTE HOUSE BILL NO. 464, and

ENGROSSED HOUSE BILL NO. 727, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg announced the presence in the Senate today, of former Senator Dewey Donohue and appointed Senator Beck and Sergeant at Arms Charlie Johnson to escort Senator Donohue to the rostrum to observe the session.

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 54, by Representatives Ehlers, Boldt and Polk:

Authorizing direct billing to the legislature for services provided by the department of general administration.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 150, by Representatives May, Grier and Wilson:

Revising the definition of "public work" for government contracts.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 355, by Representatives Burns, Vrooman, Lux, Pruitt, Clemente, Lysen, Charnley, Douthwaite and Sherman:

Relaxing income limitations for retired persons' property tax exemption.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 464, by Committee on Local Government (originally sponsored by Representatives Thompson, Newhouse, Eng, King and Berentson) (by State Treasurer request):

Creating a local government investment pool trust fund.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 727, by Representatives Conner, Gallagher, Gilleland and Vrooman:  
 Changing laws on reporting of vehicle accidents.  
 Referred to Committee on Transportation.

MOTION

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

THIRD READING

ENGROSSED SENATE BILL NO. 2426, by Senators Ridder and Morrison (by Department of Employment Security request):  
 Regulating the disclosure of the records of the department of employment security.

MOTIONS

On motion of Senator Mardesich, Engrossed Senate Bill No. 2426 was returned to second reading.

On motion of Senator Mardesich, the following amendments were adopted:

On page 2, lines 28-29 of the printed bill, being lines 27-28 of the engrossed bill, strike "the legislative branch,"

On page 2, line 31 of the printed bill, being line 30 of the engrossed bill, after "if" strike "the employment security department finds that"

On page 3, after line 21 of the printed bill, being line 20 of the engrossed bill, insert a new subsection as follows:

"(2) The requirements of subsections (1) and (7) of this section shall not apply to the legislative branch. The legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes."

Renumber remaining subsections consecutively.

On page 3, line 4 of the printed bill, being line 3 of the engrossed bill, after "agency" strike "designated by employment security department rule"

On page 3, line 33 of the printed bill, being line 32 of the engrossed bill, strike "seriously"

On page 4, line 2, of the printed bill, being line 1 of the engrossed bill, after "entitlement," strike "if permitted by the commissioner"

On motion of Senator Ridder, Reengrossed Senate Bill No. 2426 was advanced to third reading, the second 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. 2426 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Grant, Woody—4.

REENGROSSED SENATE BILL NO. 2426, having received the constitutional 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 10:25 a.m., on motion of Senator Walgren, the Senate recessed until 11:55 a.m.

#### NOON SESSION

The President called the Senate to order at 11:55 a.m.

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, on motion of Senator Washington, the Senate moved to reconsider the vote by which Engrossed Senate Joint Resolution No. 104 failed to pass the Senate on March 29, 1977.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 2537, by Senator Henry (by Executive Request of Governor Ray):

Relating to transportation taxation.

#### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2537 was substituted for Senate Bill No. 2537 and the substitute bill was placed on second reading and read the second time in full.

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

On page 10, line 19, after "increments" insert ", but not to exceed a total excise tax of twelve cents per gallon"

#### MOTIONS

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Henry, Engrossed Substitute Senate Bill No. 2537 was advanced to third reading, the second 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. 2537, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry,



Herr, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Odegaard, Peterson, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senators Cunningham, Jones, McDermott, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott—10.

Excused: Senators Fleming, Grant, Matson, Woody—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2543, by Senator Henry (by Executive Request of Governor Ray):

Relating to highways.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2543 was substituted for Senate Bill No. 2543 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. 2543 was advanced to third reading, the second 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. 2543, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senators McDermott, Newschwander, Pullen, Rasmussen, Sandison, Scott—6.

Excused: Senators Fleming, Grant, Matson, Woody—4.

SUBSTITUTE SENATE BILL NO. 2543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2544, by Senator Henry (by Executive Request of Governor Ray):

Relating to highways.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2544 was substituted for Senate Bill No. 2544 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. 2544 was advanced to third reading, the second 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. 2544, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Voting nay: Senator Pullen—1.

Excused: Senators Fleming, Grant, Matson, Woody—4.

SUBSTITUTE SENATE BILL NO. 2544, having received the constitutional majority, was declared passed. 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. 2221.

## SECOND READING

SENATE BILL NO. 2221, by Senators Francis, Clarke and Van Hollebeke:

Increasing the number of King county superior court judges.

The Senate resumed consideration of Senate Bill No. 2221. On March 28, 1977, the committee amendments were adopted.

Senator Pullen moved adoption of the following amendment by Senators Matson, Jones and Pullen:

On page 1, line 8, after "thirty" strike "-four", and on line 9 after "court" insert "as of the effective date of this amendatory act of 1977, thirty-two judges of the superior court as of the second Monday of January, 1978, thirty-four judges of the superior court as of the second Monday of January, 1979"

Debate ensued.

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

There being no objection, on motion of Senator Pullen, the amendment by Senators Matson, Jones and Pullen to page 1, line 11 on the desk of the Secretary of the Senate, was withdrawn.

Senator Cunningham moved adoption of the following amendment:

On page 1, line 11, after "court" insert "PROVIDED, That with respect to the additional judges authorized by this 1977 amendatory act, no new facilities shall be erected or utilized, and the King County Superior Court shall schedule court sessions on nights and weekends to the extent necessary to assure maximum utilization of existing facilities and personnel; and further, utilization and hours of operations of the courts shall be designed to best serve the public"

## POINT OF INQUIRY

Senator Goltz: "Would Senator Cunningham yield? Senator Cunningham, your initial sentence in the proviso says, 'that with respect to the additional judges', and then you go on to talk about that no new facilities shall be built, but you also say that, as I assume, with respect to the additional judges that the court shall schedule sessions at night and weekends. I hope it is not your intent that these additional judges would carry the full load of evening and weekend service. That would be shared among all the judges."

Senator Cunningham: "I think, very frankly, Senator Goltz, seniority always has its privilege, so I would assume that the courts themselves in setting up their own rules and regs would see that the senior members have the best shift."

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

On motion of Senator Francis, Engrossed Senate Bill No. 2221 was advanced to third reading, the second 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. 2221 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—41.

Voting nay: Senators Newschwander, Rasmussen—2.

Absent or not voting: Senators Peterson, Washington—2.

Excused: Senators Fleming, Grant, Matson, Woody—4.

ENGROSSED SENATE BILL NO. 2221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Clarke, Engrossed Senate Bill No. 2221 was ordered immediately transmitted to the House.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, 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, the Senate commenced consideration of Senate Bill No. 2222.

#### SECOND READING

SENATE BILL NO. 2222, by Senators Francis, Clarke, Bottiger, Van Hollebeke, Woody and Hayner:

Revising the number of judges in the court of appeals.

The bill was read the second time by sections.

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

On page 2, line 27, after "shall" strike "be" and insert "become effective January 1, 1978 and shall be"

On page 3, line 1, after "November" strike "1977" and insert "1978"

On page 3, line 4, after "for" strike "two years" and insert "one year"

On page 3, line 5, after "for" strike "four" and insert "three"

On page 3, line 10, after "November" strike "1977" and insert "1978"

On page 3, line 12, after "term of" strike "one year" and insert "six years"

On page 3, line 13, strike "1979" and insert "1985"

#### MOTION

On motion of Senator Francis, Senate Bill No. 2222, together with the pending amendments moved for adoption by Senator Walgren, was ordered held for consideration later today.

#### SECOND READING

SENATE BILL NO. 2210, by Senators Woody and Wilson:  
Regulating prearrangement funeral service contracts.

#### MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 2210 was substituted for Senate Bill No. 2210 and the substitute bill was advanced to second reading and read the second time in full.

On motion of Senator Clarke, Substitute Senate Bill No. 2210 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Cunningham: "Thank you. Would Senator Clarke yield to a question? Senator Clarke, I am just trying to read in the bill. One thing I would ask, is the contract a purchase? After fifteen percent face value of the cash of that contract is put on a deferred payment, does the interest that goes with the deferred payment on the outstanding principal amount go into the escrow account, or does it go to the seller?"

Senator Clarke: "I would have to read the bill in detail, but my recollection of the testimony before the committee, and I think that the way the bill was finally agreed upon was that in the event the services are rendered, that is, on these prepayments the person making the prepayment normally has the option of withdrawing the funds if they are going to move to another area or something of that nature. If they withdraw, then they are entitled, not only to the amount they put in, but also the interest on that amount. But in the event the services are actually performed then the purveyor of the services, of course, keeps the entire amount because he earns the entire amount and retains it."

Senator Cunningham: "Mr. President, not to continue a question, but I am not sure that I explained my question. What I am concerned about is, and I don't serve on this committee but I am watching this. Where the seller when he sells a predeath funeral service, the seller can retain fifteen percent of the face value, and the rest has to go into a trust account, and that is fine. But what I want to know is where does the interest on that unpaid balance still owing go, to the seller or into the trust account?"

Senator Clarke: "Well, when you say 'interest on the unpaid balance' let's just make an assumption. Let's assume they pay in five hundred dollars as a prepayment, and of that prepayment fifteen percent then can immediately be used by the seller. The—"

## REMARKS BY SENATOR BECK

Senator Beck: "Mr. President, I would like to assist Senator Clarke here and point out in the bill where it spells this out. It is on page 3, section 2, subsection 6. 'All interest, dividends, increases, or accretions of whatever nature earned by a trust fund shall be kept unimpaired and shall become a part of the trust fund.'"

## POINT OF INQUIRY (CONTINUED)

Senator Clarke: "Yes, that is correct, but I think what Senator Cunningham was asking about is, at the time you pay the money the cost of what you are going to furnish is a given price, and at the time when the services are rendered there may be a substantial increase, actually, in the cost of the purveyor. My understanding is that the contracts provide that they shall furnish certain designated things, and that they have to make that delivery regardless of the actual cost at the time that the delivery has to be made."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2210, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Grant, Matson, Woody—4.

SUBSTITUTE SENATE BILL NO. 2210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2431.

## SECOND READING

SENATE BILL NO. 2431, by Senators Marsh, Henry, Keefe and Talley:  
Providing for the erection of a statue in statuary hall in the national capitol.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2431 was substituted for Senate Bill No. 2431 and the substitute bill was placed on second reading and read the second time in full.

Senator Bluechel moved the following amendments by Senators Bluechel, North, Walgren, Buffington and Jones be considered and adopted.

On page 1, line 6, after "Section 1." strike "Mother Joseph of the Sisters of Providence" and insert "Chief Seattle"

On page 1, line 10, after "commemorate" strike "her" and insert "his"

On page 1, line 14, after "of" strike "Mother Joseph" and insert "Chief Seattle"

Debate ensued.

President Pro Tempore Henry assumed the Chair.

Senator Mardesich moved adoption of the following amendment to the amendment to page 1, line 6 by Senators Bluechel, North, Walgren, Buffington and Jones:

On line 2 of the Bluechel amendment to page 1, line 6, strike "Seattle" and insert "Sealth"

Further debate ensued.

#### POINT OF ORDER

Senator Mardesich: "Point of order. The issue before us is not the basic amendment but the oral amendment to the amendment, striking 'Seattle' and inserting 'Sealth', his actual and true name."

Further debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment by Senators Bluechel, North, Walgren, Buffington and Jones was adopted.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Bluechel yield to a question? Senator Bluechel, I have several Indian reservations in my district, and they insist that they are an independent nation, that they are not subject to our laws, and I am just wondering whether you have checked with the Indian tribes to see if this would have any effect on any of the court cases as to whether they were citizens of the state or not?"

Senator Bluechel: "No. Senator Bottiger. Would you like to hold the bill over so I can do that checking?"

Further debate ensued.

The motion by Senator Bluechel failed and the amendments, as amended, were not adopted on a rising vote.

#### MOTION

Senator Francis moved that Substitute Senate Bill No. 2431 be held for further consideration on the second reading calendar for March 31, 1977.

Debate ensued.

#### POINT OF INQUIRY

Senator Scott: "Would Senator Marsh yield? Senator Marsh, where is the Pioneer Association headquartered?"

Senator Marsh: "According to this letterhead, the Pioneer Association is headquartered at 1642 Forty-third Avenue East, Seattle, Washington."

Senator Scott: "Do they include professionals in the field that are now practicing that would have a wide knowledge of historical, anthropological, social, economic events in the state, or are simply a club for persons interested in antiquity?"

Senator Marsh: "I believe they have both interests, Senator. I do not have specific knowledge of the membership other than I am informed that the membership consists of descendants of pioneers of this state, and I am sure among those descendants are those qualified people that you are talking about."

Senator Scott: "In their search for a candidate for the second and last place in statuary hall, did they consider individuals like John McLaughlin, chief factor of the Hudson Bay Company in Vancouver over a number of years; people like Chief Joseph, who outwitted the entire United States army for an entire winter; people like James J. Hill, the empire builder; people like Judge Thomas Burke, of whom it is said, he built Seattle; several of the fathers of the Grand Coulee Dam; Vernon Parrington, who wrote some of finest belles lettres that this country saw in its first quarter of the twentieth century; people like Theodore Roethke, our poet laureate,

and even August Mardesich, who has on several occasions moved the boundaries of the city of Everett?"

Senator Marsh: "Well, Senator, I am not sure whether they considered August Mardesich, but I am sure they were very judicious in their selection."

### MOTION

Senator Scott moved Senate Bill No. 2431 be rereferred to the Committee on State Government with instructions.

Further debate ensued.

### PERSONAL PRIVILEGE

Senator Gould: "Members of the Senate, may I offer a point of personal privilege? Perhaps that is not the proper request at this time, but I do have an amendment which, hopefully, I would like to have considered and which, hopefully, will avoid further deterioration of the issue. With the consent of the body I would ask that at this point."

Further debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Francis that Substitute Senate Bill No. 2431 be held on the second reading calendar for further consideration on March 31, 1977.

The motion by Senator Francis failed.

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

On page 1, strike all the matter after the enacting clause and insert:

"NEW SECTION. Section 1. The selection committee for statuary hall is hereby created.

NEW SECTION. Sec. 2. The committee shall consist of eleven members. The governor shall select one member who is not a Washington state legislator from each congressional district to serve on the committee. The Washington State Historical Society shall select four members from its membership to serve on the selection committee for Statuary Hall. The members of the committee shall receive no compensation or reimbursement for carrying out the provisions of this act.

NEW SECTION. Sec. 3. The committee shall conduct a study of candidates for commemoration in the old house of the House of Representatives at the national capitol. On or about January 1, 1978, the committee shall submit its recommendations for a candidate to be commemorated in the national capitol to the Washington State Legislature.

NEW SECTION. Sec. 4. The committee shall have a life not to exceed two years."

Debate ensued.

### POINT OF INQUIRY

Senator Mardesich: "Mr. President, would Senator Gould yield to a question? Senator, I could offer an amendment but I thought I would check to see whether you would support it before I do. On the last line of the amendment, after the word 'exceed' I would like to insert the word 'twenty', and I would like to point out the reason for that. Senator Scott has suggested that my name should be considered and I don't think that should happen until I am gone. Now, if I should, by chance, live to a ripe old age exceeding some seventy-nine years old or thereabouts, which that would do to me, I would be more than happy to go."

Senator Gould: "Senator Mardesich, I appreciate your comments. I do recognize that it does require the demise of the person that is to be honored and in that respect would be delighted to support it for your benefit."

Further debate ensued.

### POINT OF INQUIRY

Senator Walgren: "Would Senator Beck yield?"

President Pro Tempore Henry: "Will you answer the questions Senator Walgren asks you to answer?"

Senator Beck: "Yes. I live recklessly, you know. Reckless Red Beck."

Senator Walgren: "Senator Beck, you served on the bicentennial commission. Are some standards or qualifications of which you are aware in regard to a nominee in statutory hall?"

Senator Beck: "Yes, Senator Walgren, there is. As you know, statutory hall was created by an act of Congress in 1864, and each state was invited to submit two nominees to have their statues placed in this, what used to be the House of Representatives in the United States Congress.

"It became filled up in 1933. Since 1933 there has not been any statues placed in statutory hall. The capitol architect has been placing all these statues in other places around in the national capitol building.

"In 1976 it became such a haphazard matter. There are ninety-one statues already in the capitol building that have been nominated by the various states, and in 1976 Congress passed a law creating a committee to arrange all of these statues and to adopt some kind of a standard which the nominees must have, and one of the first things in the standards that this screening committee has to approve of is, they must be not only popular in their own area, but they must have done something nationally.

"They are going to be placed in statues in the national capitol with people like Washington, Lincoln, Jefferson and Adams, famous people like Robert Fulton who invented the steamboat, Daniel Webster, Henry Clay, Jefferson Davis, the president of the Southern Confederacy and many more people of that stature and nature.

"In the state of Washington they are very much divided as to who. This has been a study that has been going on, and in 1941, I believe it was, the historical society threw up their hands and quit. There are fourteen United States senators that are in that statutory hall, people like Huey Long, people like Senator Borah, Senator Bartlett, Senator Pat McCarran and people of that nature. There are many people that think that some prominent political figure should be in statutory hall representing the state of Washington.

"I think this is a good amendment and I would support it."

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

On motion of Senator Rasmussen, Substitute Senate Bill No. 2431 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. 2431, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bausch, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Wojahn—32.



Voting nay: Senators Beck, Benitz, Bluechel, Clarke, Gaspard, Gould, Jones, Newschwander, North, Pullen, Scott, Walgren, Washington—13.

Excused: Senators Fleming, Grant, Matson, Woody—4.

SUBSTITUTE SENATE BILL NO. 2431, having received the constitutional majority, was declared passed. 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 resumed consideration of Senate Bill No. 2222.

### SECOND READING

SENATE BILL NO. 2222, by Senators Francis, Clarke, Bottiger, Van Hollebeke, Woody and Hayner:

Revising the number of judges in the court of appeals.

The Senate resumed consideration of Senate Bill No. 2222 and the following amendments moved for adoption earlier today by Senator Walgren:

On page 2, line 27, after "shall" strike "be" and insert "become effective January 1, 1978 and shall be"

On page 3, line 1, after "November" strike "1977" and insert "1978"

On page 3, line 4, after "for" strike "two years" and insert "one year"

On page 3, line 5, after "for" strike "four" and insert "three"

On page 3, line 10, after "November" strike "1977" and insert "1978"

On page 3, line 12, after "term of" strike "one year" and insert "six years"

On page 3, line 13, strike "1979" and insert "1985"

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

On motion of Senator Walgren, Engrossed Senate Bill No. 2222 was advanced to third reading, the second 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. 2222, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Grant, Matson, Woody—4.

ENGROSSED SENATE BILL NO. 2222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### MOTION

On motion of Senator Walgren, the following resolution was referred to the Committee on Natural Resources:

## SENATE RESOLUTION 1977-9

WHEREAS, The people of the state of Washington have always maintained a strong interest in marine environment because of our geographic location; and

WHEREAS, Unnecessary destruction of marine wildlife is a waste of precious natural resources; and

WHEREAS, On March 15, 1977, commercial seal hunters began hunting newborn seal pups off the northeast coast of Labrador; and

WHEREAS, The hunters make use of only the pelts of such pups and sell the pelts for use in commercial novelty items which are unnecessary for man's comfort or survival; and

WHEREAS, The Canadian government has control of all marine life within two hundred miles of their shores; and

WHEREAS, Canadian officials could order the hunting to be stopped; and

WHEREAS, There is a precedent for calling off the hunt; and

WHEREAS, The precedent was set in 1972 when the hunt was called off in response to overwhelming, world-wide public opinion protesting the unnecessary slaughter;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Canadian government is requested to significantly reduce the seal pup hunt in progress or cancel it in its entirety in order to lessen the damage which will surely result to one of the earth's greatest natural resources, marine wildlife.

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the Canadian ambassador to the United States, The Honorable Jack Hamilton Warren.

## MOTION

On motion of Senator Walgren, Engrossed Senate Joint Resolution No. 104, on reconsideration, will be placed on the third reading calendar for April 4, 1977.

## MOTIONS

Senator Day moved that the Committee on Commerce be relieved from further consideration of Engrossed Substitute House Bill No. 707 and that the bill be referred to the Committee on Social and Health Services.

Debate ensued.

The motion by Senator Day failed on a rising vote.

## MOTION

At 2:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, March 31, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, March 31, 1977.

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, Grant and Woody. On motion of Senator Odegaard, Senators Fleming, Francis, Grant and Woody were excused.

The Color Guard, consisting of Pages Lori Franz and Michael Zevenbergen, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"FATHER IN HEAVEN, WE BOW IN THY PRESENCE TO THANK YOU FOR ANOTHER OPPORTUNITY OF PRAYING TOGETHER. WE HAVE DISCOVERED THAT WHAT ONE SEEKS WITH GREAT EFFORT THROUGH THE RACKING OF ONE'S BRAINS, OR THROUGH MANY BOOKS, OR THROUGH MUCH CONVERSATION, IS OFTEN GIVEN TO US QUITE UNEXPECTEDLY AFTER A FEW BREATHS OF SINCERE PRAYER. THAT IS WHY THE APOSTLES MUST HAVE ASKED, 'LORD, TEACH US TO PRAY!' WE KNOW PRAYER IS COMMUNICATION. WE KNOW THAT PRAYER DOESN'T CHANGE YOU, LORD, IT MERELY QUALIFIES US FOR THE ANSWER TO OUR DESIRE AND PETITION. WE ARE NOT JUST FILLING UP SO MUCH SPACE IN THE AGENDA WHEN WE PRAY, WE ARE INVOKING THE GUIDANCE AND BLESSING OF THE ALMIGHTY UPON OUR WORK, TASTEFUL OR DISTASTEFUL, FOR ANOTHER DAY. BE THOU OUR GUEST IN THESE CHAMBERS. MAY OUR PRAYER AND DESIRE BE LIKE THE PSALMIST'S OF OLD: 'LET THE WORDS OF MY MOUTH, AND THE MEDITATION OF MY HEART, BE ACCEPTABLE IN THY SIGHT, OH LORD, MY STRENGTH, AND MY REDEEMER.'

"THANK YOU, HEAVENLY FATHER, FOR HEARING US. THANK YOU FOR LOVING US. THANK YOU FOR HELP AND STRENGTH THROUGH THE WORK OF ANOTHER DAY. IN CHRIST'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.

**REPORTS OF STANDING COMMITTEES**

March 30, 1977.

SENATE BILL NO. 2179, authorizing certain state employees to receive remuneration for unused sick leave under certain conditions (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2179 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2232, providing for educational clinics and authorizing state aid for students enrolled therein (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2232 be substituted therefor and the substitute bill do pass and refer to Committee on Ways and Means.

Signed by: Senators Francis, Gaspard, Hayner, Murray, Washington.

Referred to Committee on Ways and Means.

March 31, 1977.

SENATE BILL NO. 2372, mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools (reported by Committee on Education):

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

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 2373, implementing law relating to providing of courses and ancillary services to private school students by the public schools (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2373 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2405, mandating rules and regulations for voluntary transfer of students between school in same school district (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2405 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2554, imposing a one-eighth of one percent business and occupation tax on the business of manufacturing triticale into flour (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder, Scott.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2769, increasing the registration fees for contractors (reported by Committee on Ways and Means):

MAJORITY recommendation: That the Labor Committee amendments not be adopted and that the bill pass as amended by the Ways and Means Committee.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder.  
Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2951, authorizing summary probation after commitment (reported by Judiciary Committee):  
MAJORITY recommendation: Do pass.  
Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones, Van Hollebeke.  
Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2952, implementing student learning objectives program (reported by Committee on Education):  
Recommendation: That Substitute Senate Bill No. 2952 be substituted therefor and the substitute bill do pass.  
Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.  
Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 3098, relating to insurance (reported by Committee on Financial Institutions and Insurance):  
MAJORITY recommendation: That Substitute Senate Bill No. 3098 be substituted therefor and the substitute bill do pass.  
Signed by: Senators Bluechel, Clarke, Jones, Mardesich.  
Passed to Committee on Rules for second reading.

March 30, 1977.

ENGROSSED HOUSE BILL NO. 235, amending laws relating to public printing (reported by Committee on State Government):  
Recommendation: Do pass.  
Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.  
Passed to Committee on Rules for second reading.

March 30, 1977.

ENGROSSED HOUSE BILL NO. 559, adding a retired person to the state employees' insurance board (reported by Committee on State Government):  
Recommendation: Do pass as amended.  
Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.  
Passed to Committee on Rules for second reading.

March 30, 1977.

HOUSE BILL NO. 657, removing the state auditor from membership on the state retirement board (reported by Committee on State Government):  
Recommendation: Do pass.  
Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.  
Passed to Committee on Rules for second reading.

March 30, 1977.

ENGROSSED HOUSE BILL NO. 716, providing for the issuance of bonds to pay for the construction of a visitor's parking garage (reported by Committee on State Government):

Recommendation: Do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Referred to Committee on Ways and Means.

March 29, 1977.

HOUSE BILL NO. 852, permitting certain amendments to contracts for nuclear generating projects (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 30, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 30, 1977, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2067: Relating to traffic safety education courses.

SENATE BILL NO. 2385: Relating to limited access facilities.

SENATE BILL NO. 2083: Authorizing autopsies.

SENATE BILL NO. 2201: Implementing law relating to transportation of pupils in common schools.

SENATE BILL NO. 2374: Standardizing low clearance signing and increasing certain weight limits.

SENATE BILL NO. 2171: Relating to motor vehicles.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

### MESSAGE FROM THE SECRETARY OF STATE

March 31, 1977.

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration of a section vetoed by the governor Senate Bill No. 2133, the remainder of which has been designated Chapter 75, Laws of 1977, together with a copy of the official veto message of the governor setting forth her objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington. Done at the Capitol at Olympia on the 31st day of March, 1977.

BRUCE K. CHAPMAN  
Secretary of State.

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO OF SENATE BILL NO. 2133

Office of the Governor, March 30, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval of one section, SENATE BILL NO. 2133 entitled:

"AN ACT Relating to state government reports and publications."

The specific section I have vetoed is New Section 35 at page 40, lines 15 through 25, which requires each state and local agency to purge its mailing lists each year of all persons not responding positively to inquiries on whether they wish to remain on such lists. The scope of this section is unnecessarily broad, and would, for example, require some agencies which mail valuable but unsolicited information to large segments of the population to curtail such activities. In many cases such mailings are required by law. Furthermore, section 35 would severely restrict the ability of our state institutions of higher learning to regularly solicit donations from their alumni or to keep their large constituencies informed of continuing educational opportunities. Even members of the legislature and other state and local elected officials would have to curtail their mailings.

For the reasons stated above, and because I am confident that the legislature will pass appropriate legislation to deal with the problem of unnecessary mailing expenses because of the use of stale mailing lists, I have vetoed section 35 of Senate Bill No. 2133. The remainder of the bill is approved.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

MOTION

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

SECOND READING

SENATE BILL NO. 2034, by Senator Beck:  
Making various changes in election laws.

MOTIONS

On motion of Senator Beck, Substitute Senate Bill No. 2034 was substituted for Senate Bill No. 2034 and the substitute bill was placed on second reading and read the second time in full.

Senator Marsh moved adoption of the following amendment:

On page 13, beginning on line 2, strike the entire paragraph down through line 10 and insert:

"In the printing of ballots the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered position, following insofar as applicable the procedure provided for in RCW 29.30.040 for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for herein."

Debate ensued.

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

Senator Mardesich moved adoption of the following amendment:

On page 15, line 21, after "ballot pages" insert "for the voting devices"

Debate ensued.

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

On motion of Senator Beck, Engrossed Substitute Senate Bill No. 2034 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: "Mr. President, would Senator Beck yield? Does this bill in any way address itself to the problem that the only way that you can appeal that an election has been invalid in any way is to go to a county prosecutor who is in a partisan office and who in many instances will not act because of that partisan position?"

Senator Beck: "Senator Day, each of the major political parties may train a person to go and observe any counting or any election anywhere they are going, and you have the right to appeal to the county canvassing board which is composed of the chairman of the board of county commissioners, the prosecuting attorney and the county auditor. From there on you have got to go to court."

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Beck yield to a question?"

Senator Beck: "Yes, and I love lawyers, too, Senator Van Hollebeke."

Senator Van Hollebeke: "I am not a member of the bar. I would like to make that clear."

Senator Beck: "Beg pardon?"

Senator Van Hollebeke: "I am not a member of the bar of the state of Washington."

Senator Beck: "I expect you are a capable attorney whether you are a member or not."

Senator Van Hollebeke: "Senator, when we use the voting machines we have three copies of the tally made at the polling place the night of the election. The inspector keeps one for the inspector's permanent record at the inspector's home. One is sent down to the county authorities, and one is posted on the door of the polling place. It is a very good checking method and a great deterrent to voter fraud. Now, with the punch card system we don't have that. Does this bill address itself to that problem, and if not, why not?"

Senator Beck: "It does not, repeat, not count the ballots in the polling booth. This has got to be taken to a computer. Ample safeguards are made for protecting the integrity of that ballot, but in order to count all those little punch cards on that IBM card or computer records (sic) or whatever card you are using, it has got to be taken and run through a computer, and it is well protected. There is a bill now pending in the constitutions and elections committee addressing itself to that issue,



but this bill does not provide for counting at the polling booth. There are machines that will do that, and when they get down to within the cost range where they can be afforded, why we probably will go to that system, but we don't have it now."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Beck yield to a question? Senator Beck, page 15, the proviso, line 38, 'that this restriction shall not apply to counties with fewer than twenty-five precincts,' why should the rotation process not be included in counties with less than twenty-five precincts?"

Senator Beck: "When you have a county that is that small, they can't afford one of these big computers there. They are mostly all hand ballots and rather than the county go to the expense of a great big computer, there, if you have less than twenty-five precincts, the counting of the ballots is not a major issue. It is not a major problem, but this only applies to real small counties, the small voting districts."

Further debate ensued.

#### MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2034 was ordered placed on the third reading calendar for April 1, 1977.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2443.

#### SECOND READING

SENATE BILL NO. 2443, by Senators Ridder, Bailey and Sellar:

Establishing an additional purpose and function of the board of electrical examiners and creating the department of labor and industries, division of building and construction safety inspection services revolving fund.

The bill was read the second time by sections.

On motion of Senator Odegaard, the following amendment by Senators Odegaard and Ridder was adopted:

On page 2, beginning on line 8, strike all of section 2.

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

On page 1, line 4 of the title, after "19.28.123" strike "; and adding a new section to chapter 43.22 RCW"

On motion of Senator Ridder, Engrossed Senate Bill No. 2443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2443, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Fleming, Francis, Grant, Woody—4.

ENGROSSED SENATE BILL NO. 2443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2956, by Senator Henry:

Relating to outdoor advertising.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2956 was substituted for Senate Bill No. 2956 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 6, strike all of section 1 and renumber remaining sections consecutively.

Senator Talley moved adoption of the following amendment by Senators Talley and Donohue:

On page 2, line 8 of the substitute senate bill, following section 2, insert a new section to read as follows:

"NEW SECTION. Sec. 3. Burma Shave signs shall be exempted from the provisions of this act."

Renumber the remaining sections consecutively.

Debate ensued.

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

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

On page 1, line 1 of the title, after "advertising;" strike all material down through "47.42.065;" on line 3.

On motion of Senator Henry, 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.

Debate ensued.

### MOTION

On motion of Senator Jones, Senator Sellar was excused.

Further debate ensued.

### MOTION

Senator North moved that Engrossed Substitute Senate Bill No. 2956 be referred to the Committee on Ways and Means.

Debate ensued.

### MOTION

On motion of Senator Peterson, the motion by Senator North was laid upon the table.

### POINT OF INQUIRY

Senator Jones: "I have a question for Senator Henry. Senator Henry, I have forewarned you of my question. It has to do with the retroactivity in those instances where a city such as Bellevue has worked out some satisfactory arrangements for

realignment of signs, repositioning and meeting what is a very strict standard of signs within its community. Is there any intent to be a retroactivity in this bill for those mutually arranged sign removals and changes?"

Senator Henry: "No."

Senator Jones: "Your answer is 'no'. Thank you."

### 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, 35; nays, 9; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Wojahn—35.

Voting nay: Senators Bluechel, Goltz, Gould, McDermott, Newschwander, North, Ridder, Walgren, Washington—9.

Excused: Senators Fleming, Francis, Grant, Sellar, Woody—5.

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 Jones, Senator Benitz was excused.

### MOTION

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

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 116, by Senators Sandison, Walgren and Donohue:

Prescribing suspension of Senate Concurrent Resolution No. 113 for introduction of Senate Bills No. 3109 and 3110, Governor Ray's budget and capital budget bills.

### MOTIONS

On motion of Senator Walgren, Senate Concurrent Resolution No. 116 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Senate Concurrent Resolution No. 116 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### MOTION

At 12:55 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, April 1, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 1, 1977.

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, Murray and Woody. On motion of Senator Jones, Senator Murray was excused. On motion of Senator Odegaard, Senators Fleming, Francis and Woody were excused.

The Color Guard, consisting of Pages Anita Moore and Ann Hayner, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, FOR THE POSITIVE WAY OF LIFE THAT YOU HAVE MADE KNOWN TO US THROUGH JESUS CHRIST, WE PAUSE TO THANK YOU ON THIS FRIDAY MORNING. YOU HAVE LIFTED US OUT OF MEDIOCRITY TO A PLACE OF DYNAMIC FULFILLMENT. WE REHEARSE THESE GREAT PRINCIPLES ONCE AGAIN: 'I CAN DO ALL THINGS THROUGH CHRIST;' 'THE LORD IS MY STRENGTH AND MY SONG;' 'WE ARE MORE THAN CONQUERORS THROUGH HIM THAT LOVED US;' 'NOW UNTO HIM THAT IS ABLE TO DO EXCEEDING ABUNDANTLY ABOVE ALL THAT WE ASK OR THINK.'

"WE ARE SO THANKFUL THAT THESE AFFIRMATIONS ARE VALID FOR POLITICIANS, BUSINESS PEOPLE, CLERGYMEN, HOUSEWIVES, OR WHOEVER WILL APPLY THEM. LIFT US, LORD, ABOVE THE ORDINARY. HELP US TO BE MAXIMUM MEN AND WOMEN TODAY. BLESS IN YOUR OWN WONDERFUL WAY THE PRESIDENT OF THIS SENATE, THESE SENATORS, THESE CLERKS, PAGES, THE SERGEANT AT ARMS, THE PRESS — ALL WHO ARE ASSEMBLED HERE. FOR AN EXCITING, GOD-FILLED DAY OF ACCOMPLISHMENT, WE THANK YOU, FATHER. IN THE NAME OF YOUR SON, JESUS. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

April 1, 1977.

SENATE BILL NO. 2219, creating a state department of parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: As directed by the Senate in referring Senate Bill No. 2219 to the Senate Committee on Parks and Recreation, March 24, 1977.

Signed by: Senators von Reichbauer, Chairman; Monohon, Odegaard.

MINORITY recommendation: Do not pass.

Signed by: Senator Lewis.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2339, prescribing rights of private property owners (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2339 be substituted therefor and the substitute bill do pass.

Signed by: Senators Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke.

MINORITY recommendation: Do not pass.

Signed by: Senators Francis, Chairman, Clarke.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 2549, relating to marine transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2549 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Peterson, Talley.

Passed to Committee on Rules for second reading.

March 24, 1977.

SENATE BILL NO. 2573, providing that appeals from decisions of the pollution control hearings board shall be to the court of appeals (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2573 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 2591, relating to postsecondary education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2591 be substituted therefor and the substitute bill do pass.

Signed by: Senators Odegaard, Chairman; Goltz, Guess, Sandison.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2885, relating to municipal contract authorization (reported by Committee on Transportation):

MAJORITY recommendation: That Senate Bill No. 2885 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 29, 1977.

SENATE BILL NO. 3002, providing for the creation and management of a scenic river system (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 3014, requiring that the governmental agency requiring a building permit to furnish the taxpayer with the proper form for claiming tax exemption on home improvements (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 3017, authorizing transfer of property owned by one port district but located in another (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 3028, permitting proceeds from port district revenue bonds to be used for funding reserve accounts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3028 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

March 31, 1977.

ENGROSSED HOUSE BILL NO. 816, giving tenants a priority for purchasing highway lands (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

March 31, 1977.

HOUSE BILL NO. 879, allowing driving on certain highway shoulders to allow other vehicles to pass (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 31, 1977.

DAVE J. MOONEY, to the position of member of the Pollution Control Hearings Board, appointed by the Governor on March 18, 1977 for the term ending July 1, 1982, succeeding Art Brown (reported by the Committee on Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, Ridder.

Passed to Committee on Rules.

March 31, 1977.

JAMES G. SWINYARD, to the position of member of the State Highway Commission, appointed by the Governor on March 18, 1977 for the term ending

July 1, 1981, succeeding Lorna Ream (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

March 31, 1977.

DANIEL V. CARBONE, to the position of member of the Board of Trustees, Seattle Community College, District No. 6, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

March 31, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 116, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 31, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 344,

HOUSE BILL NO. 580,

ENGROSSED HOUSE BILL NO. 617,

ENGROSSED HOUSE BILL NO. 618,

HOUSE BILL NO. 755,

HOUSE BILL NO. 779,

SUBSTITUTE HOUSE BILL NO. 839, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 344, by Representatives Hansen, Fancher, Fortson, Kilbury, Tilly, Boldt, North and Bauer:

Prohibiting use of foreign beef and mutton in public institutions.

Referred to Committee on Agriculture.

HOUSE BILL NO. 580, by Representatives Knowles, Knedlik, Vrooman, Hughes and Smith:

Making the possession of a device to evade telephone toll charges a felony.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 617, by Representatives Fischer and Eng:

Allowing some mutual savings banks to pay higher expenses for management and operation.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 618, by Representatives Fischer and Eng:

Revising laws regulating sale of securities.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 755, by Representatives Conner, McCormick, Berentson, Enbody and Gilleland:

Providing for tamperproof licenses and identicards.

Referred to Committee on Transportation.

HOUSE BILL NO. 779, by Representatives Vrooman, Knowles, Lux, Keller, Martinis, Burns, Wilson, Taller and Berentson:

Authorizing group filing for certain labor liens.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 839, by Committee on Revenue (Originally sponsored by Representatives Sommers, Taller, Becker, Berentson, Kilbury, Wilson, Craswell, Douthwaite, Grimm and Hurley (Margaret)):

Making the leasehold excise tax inapplicable to certain property within certain historical sites.

Referred to Committee on Ways and Means.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1977-20

By Senator Talley:

WHEREAS, The Legislature in the Washington Industrial Safety and Health Act has declared its intent to assure "safe and healthful working conditions for every man and woman working in the state of Washington"; and

WHEREAS, Larry Dean Grant, 21 years of age, was killed in the course of his employment at the Longview Fibre Company in Longview, Washington, on March 14, 1977, leaving a widow, Janie, 19 years of age, and grieving parents; and

WHEREAS, The death of this fine young man may fairly be cited as representative of the 423 men and women killed in the workplaces of this state during the past three years; and

WHEREAS, The continuing occurrence of industrial fatalities reminds us as legislators and as compassionate human beings that the mission of workplace safety remains an unfulfilled goal;

NOW, THEREFORE, BE IT RESOLVED, That the Senate extends to the widow and parents of Larry Dean Grant its profound sympathies and its prayers for solace in their time of suffering; and

BE IT FURTHER RESOLVED, That the Senate on this sorrowful occasion reaffirms its solemn commitment to exercise its lawful powers to the end that the lives of workers shall be protected in the workplace by strong safety laws and regulations, effectively enforced; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to his widow and parents.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 2034.



## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2034, by Committee on Constitution and Elections (originally sponsored by Senator Beck):  
Making various changes in election laws.

## MOTIONS

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2034 was returned to second reading.

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

On page 15, line 38 of the printed bill, being line 35 of the engrossed bill, following "this" insert "ten percent"

## MOTION

On motion of Senator Beck, Reengrossed Substitute Senate Bill No. 2034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Would Senator Beck yield? Senator, my question is one which I think you have discussed, but I want to get it on the record, relates to the fiscal impact of this bill on local government and more particularly, the county auditors' offices. Was it the testimony presented to your committee that the bill will cost local government more money in running elections or less money or will not have any impact at all?"

Senator Beck: "Thank you, Senator Wilson, I think I explained that at one stage of this bill, here. Currently the law says that the county auditors must have printed ballots in an amount ten percent over the total registered voters whether they are active or inactive. The registered voters list is active until after four years from the time they voted last time. What this will do over a six year period is going to make a savings of six hundred and eighty-five thousand dollars to the counties in just printing of the ballots alone. There is an impact to the counties in saving the counties an estimated six hundred and eighty-five thousand dollars over a six year period."

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2034, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wjahn—44.

Voting nay: Senator Matson—1.

Excused: Senators Fleming, Francis, Murray, Woody—4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2034, having received the 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 CONCURRENT RESOLUTION NO. 116.

## MOTION

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 3109, by Senators Donohue, Odegaard, Scott and Newschwander (by Executive request of Governor Ray):

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; designating effective dates for certain appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3110, by Senators Donohue, Odegaard, Scott and Newschwander:

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency.

Referred to Committee on Ways and Means.

## MOTION

At 10:27 a.m., on motion of Senator Walgren, the Senate recessed until 11:25 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:25 a.m.

## MOTION

On motion of Senator Odegaard, Senator Goltz was excused.

## MOTION

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

## MOTION

Senator Herr moved adoption of the following resolution:

## SENATE RESOLUTION 1977-21

By Senator Herr:

WHEREAS, Since 1913 the Washington State Parks and Recreation Commission has served the citizens of the State of Washington in the preservation and conservation of our historic and recreational resources; and

WHEREAS, Since 1949 by Washington State legislative action there has been a valued citizen involvement by virtue of the establishment of a Washington State Parks and Recreation Commission; and

WHEREAS, Since that time the agency has received the national Gold Medal Award as being the outstanding state parks agency in the United States in administration; and

WHEREAS, the present charges, claims, and countercharges concerning the Commission and the director are having an adverse effect upon the citizens of the State; and

WHEREAS, This matter is too controversial for rational consideration at this time;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Parks and Recreation Committee conduct an in-depth study of the operation, administration and fiscal affairs of the Washington State Parks and Recreation Commission and report back its recommendations and findings to the next session of the legislature and that in the interim there will be no further consideration by the Senate of any legislative proposals to change the organization of the Washington State Parks and Recreation Commission.

#### MOTION

On motion of Senator Herr, Senate Resolution 1977-21 was referred to the Committee on Rules.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2375.

#### SECOND READING

SENATE BILL NO. 2375, by Senators Beck, Wanamaker and Bottiger (by Department of Highways request):

Authorizing the sale of general obligation bonds and the use of proceeds for the acquisition of new ferry vessels.

#### MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2375 was substituted for Senate Bill No. 2375 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the following amendment by Senators Walgren and Wanamaker was adopted:

On page 1, line 12, after "sum of" strike "thirty" and insert "fifty"

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

On page 4, line 22, after "sum of" strike "thirty" and insert "fifty"

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2375 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 Walgren yield? Senator Walgren, as I understand it, this is for the reserve authority for the commission in case that there is a

need for it. This is not a mandate to the commission to go out and spend the fifty million?"

Senator Walgren: "That is correct, Senator Guess."

Senator Guess: "I also understand that the money will come from the Puget Sound reserve account which is the flow through agency for three-eighths of a cent of gas tax money, is that correct?"

Senator Walgren: "Or such other place that the legislature might in the future determine."

Senator Guess: "That's right. Thank you very much."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2375, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Lewis—1.

Excused: Senators Francis, Goltz, Murray, Woody—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Jones, Senator Lewis was excused.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Memorial No. 103.

### SECOND READING

SENATE JOINT MEMORIAL NO. 103, by Senators Buffington, Guess, Pullen, von Reichbauer, Herr and Rasmussen:

Memorializing the President and Congress to continue to support the Republic of China.

The memorial was read the second time in full.

Senator McDermott moved adoption of the following amendments:

On page 1, beginning on line 10, strike all the matter down through line 11.

On page 1, line 17, strike all the matter on lines 17 through 19.

On page 1, line 21, after "government" strike "make no commitment which would in any way compromise the freedom and security of" and insert "continue friendly relations with"

Debate ensued.

### MOTION

On motion of Senator Marsh, Senator Donohue was excused.

## POINT OF INQUIRY

Senator Guess: "Would Senator Washington yield? Senator Washington, you said that you would support the amendments offered. He offered three amendments and asked that they be taken up at one time. Beginning on line 10, 'strike all the matter down through line 11.' I would agree with you that this is going to be the stumbling block by which this Resolution passes, but it really, as you say, the meat of the matter is in the Resolution. So as far as the first amendment—"

Senator Washington: "First two. I agree. He didn't discuss the one on line 21. I don't think that that is necessary. I am talking about the first two amendments."

Senator Guess: "Well, I would like to urge that the one beginning on line 17 be maintained because the Republic of China in its—virtue of its location and its commitment to the philosophy of the free world is a contributing resolution. I don't think that there is any question in my mind that the statement is valid, it is accurate and it is important, but the first amendment I could go with."

Senator Washington: "Well, I agree with you. I think the first amendment is the most important. I think there is also maybe some debatable conclusions in the one from seventeen to nineteen. It just seems to me that those could be removed and I see nothing wrong with the resolving clause."

## POINT OF INQUIRY

Senator Guess: "Would Senator McDermott yield? Senator McDermott, would it make it acceptable to you if we did take the first two amendments and accept those?"

Senator McDermott: "If you wish to divide the question, I certainly have no objection to that."

## MOTION TO DIVIDE QUESTION

On motion of Senator Guess, the Senate moved to divide the question. The first two amendments by Senator McDermott will be considered simultaneously.

## MOTION

Senator McDermott moved adoption of the following amendments:

On page 1, beginning on line 10, strike all the matter down through line 11.

On page 1, line 17, strike all the matter on lines 17 through 19.

Debate ensued.

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

## MOTION

Senator McDermott moved adoption of the following amendment:

On page 1, line 21, after "government" strike "make no commitment which would in any way compromise the freedom and security of" and insert "continue friendly relations with"

Debate ensued.

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

On motion of Senator Guess, Engrossed Senate Joint Memorial No. 103 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

## MOTION

Senator Grant moved that Engrossed Senate Joint Memorial No. 103 be referred to the Committee on State Government.

Debate ensued.

On motion of Senator Guess, the motion by Senator Grant was laid upon the table.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Memorial No. 103.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 103, and the memorial passed the Senate by the following vote: Yeas, 25; nays, 15; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Cunningham, Day, Gaspard, Guess, Hayner, Henry, Herr, Keefe, Mardesich, Marsh, Matson, Morrison, Peterson, Pullen, Rasmussen, Sandison, Talley, von Reichbauer, Wanamaker, Washington—25.

Voting nay: Senators Bluechel, Clarke, Fleming, Gould, Grant, Jones, McDermott, Monohon, Newschwander, North, Ridder, Scott, Van Hollebeke, Wilson, Wojahn—15.

Absent or not voting: Senators Odegaard, Sellar, Walgren—3.

Excused: Senators Donohue, Francis, Goltz, Lewis, Murray, Woody—6.

ENGROSSED SENATE JOINT MEMORIAL NO. 103, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2460.

## SECOND READING

SENATE BILL NO. 2460, by Senators von Reichbauer, North and Sandison: Authorizing hostels.

## REPORT OF STANDING COMMITTEE

February 23, 1977.

SENATE BILL NO. 2460, authorizing hostels (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 1, strike "70.54" and insert "43.51"

On page 1, beginning on line 4, strike "70.54" and insert "43.51"

Signed by: Senators von Reichbauer, Chairman; Bailey, Lewis, Odegaard.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

## MOTION

On motion of Senator Marsh, Senate Bill No. 2460, as amended, was ordered to hold its place on the second reading calendar for April 4, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2302.

## SECOND READING

SENATE BILL NO. 2302, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Modifying the fee for a writ of garnishment.

The bill was read the second time by sections.

On motion of Senator Marsh, Senate Bill No. 2302 was advanced to third reading, the second 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. 2302, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senator Keefe—1.

Excused: Senators Donohue, Francis, Goltz, Lewis, Murray, Woody—6.

SENATE BILL NO. 2302, having received the constitutional 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 Walgren, the Senate adjourned until 11:00 a.m., Monday, April 4, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 4, 1977.

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 Cunningham, Fleming, Gaspard, Grant, Herr and Scott. On motion of Senator Jones, Senators Cunningham and Scott were excused. On motion of Senator Odegaard, Senators Fleming, Gaspard, Grant and Herr were excused.

The Color Guard, consisting of Pages Joe Harvison and Melanie Hembree, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, WE COME TO YOU JUST NOW, FREELY CONFESSING OUR NEED OF YOUR WISDOM IN DEALING ADEQUATELY AND FAIRLY WITH THE ISSUES FACING THESE SENATORS ON THIS DAY.

"AS VARIOUS HUMAN NEEDS CONFRONT US, MAY WE NOT TURN OUR BACKS ON THE PROBLEMS WHICH HAVE CREATED THOSE NEEDS. ENDOW EACH SENATOR WITH UNDERSTANDING, SO THAT THE DECISIONS MADE HERE MIGHT BEGIN TO PROVIDE SOLUTIONS AND HOPE FOR THE FUTURE. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 1, 1977.

SENATE BILL NO. 2356, removing the prohibition against changing precinct boundaries in certain years (reported by Committee on Rules which recommends that the bill be referred to the Committee on Constitution and Elections):

Signed by: President John A. Cherberg, Chairman; Senators Clarke, Guess, Keefe, Marsh, Matson, Newschwander, Sandison, Sellar, Talley, Walgren.

Referred to Committee on Constitution and Elections.

April 1, 1977.

SENATE BILL NO. 2619, relating to irrigation projects (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2619 be substituted therefor and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 3044, regulating services and fees of physicians' assistants in support of industrial insurance recipients (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill 3044 be substituted therefor and the substitute bill do pass.



Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.  
 Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 3058, authorizing coverage of volunteer law enforcement officers under the industrial insurance laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.  
 Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 31, 1977.

ARTHUR SIEGAL, to the position of member of the Board of Trustees for Seattle Community College, District No. 6, appointed by the Governor on March 7, 1977, for the term ending April 3, 1980, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Donohue, Goltz, Sandison.  
 Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. R. Stuart Kirk, appointed April 4, 1977, for a term ending April 3, 1982, succeeding David Roberts as a member of the Spokane Community College, District No. 17, Board of Trustees.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Ed Ellis, appointed March 25, 1977, for a term ending April 3, 1979, succeeding Mary K. Skinner as a member of the Yakima Valley Community College, District No. 16, Board of Trustees.

Sincerely,  
 DIXY LEE RAY  
 Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Mrs. Mary Louise Stough, appointed April 4, 1977, for a term ending April 3, 1982, succeeding Vernon L. Martin as a member of the Centralia Community College, District No. 12, Board of Trustees.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Shirley Dolores Barrett Cobb, appointed March 25, 1977, for a term ending April 3, 1981, succeeding Norman Dahlstedt as a member of the Skagit Valley Community College, District No. 4, Board of Trustees.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Stanley C. Gillies, appointed April 4, 1977, for a term ending April 3, 1982, succeeding himself as a member of the Board of Trustees, Grays Harbor Community College, District No. 2.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Elaine Y. Zakarison, appointed March 25, 1977, for a term ending April 3, 1981, succeeding Mr. Charles T. Fanning as a member of the Spokane Community College, District No. 17, Board of Trustees.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Robert H. Hegamin, appointed March 28, 1977, for a term ending April 3, 1979, succeeding Ricardo M. Aguirre as a member of the State Board of Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Andrew P. Kelly, appointed March 18, 1977, for a term ending March 14, 1983, succeeding Ronald Robinson as a member of the Board of Trustees, Eastern Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. Ramon L. Barnes, appointed to the Board of Trustees for the Fort Steilacoom Community College, District No. 11, succeeding Warren S. Miller for a term beginning March 7, 1977 and ending April 3, 1981.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 1, 1977.

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

LADIES AND GENTLEMEN:

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

Ms. Barbara A. Welsey, appointed to the Board of Trustees for the Tacoma Community College, District No. 22, succeeding Reverend Robert Yamashita for a term beginning April 4, 1977 and ending April 3, 1982.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 31, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. David Ellsworth, appointed to the Board of Trustees for the Centralia Community College, District No. 12, succeeding Melvin Henderson for a term beginning March 7, 1977 and ending April 3, 1980.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MESSAGES FROM THE HOUSE

April 1, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 116, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 210,

ENGROSSED HOUSE BILL NO. 298,

SUBSTITUTE HOUSE BILL NO. 393,

SUBSTITUTE HOUSE BILL NO. 402, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 210, by Representatives Shinpoch, Knedlik and Vrooman:

Authorizing a civil penalty to be assessed against certain public officers who fail to have motor vehicles marked in accordance with the provisions of state law.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 298, by Representatives Martinis, Moreau and Wilson (by Department of Natural Resources request):

Extending forest patrol assessments to public bodies.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 393, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Requiring information to be filed before the acquisition of control of a bank.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 402, by Committee on Appropriations (originally sponsored by Representatives Lysen and Hurley (Margaret)):

Requiring state agencies to submit budgets that may or may not require increased taxes.

Referred to Committee on Ways and Means.

### MOTION

At 11:15 a.m., on motion of Senator Marsh, the Senate recessed until 12:25 p.m.

### NOON SESSION

The President called the Senate to order at 12:25 p.m.

### MOTION

At 12:25 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTIONS

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

On motion of Senator Grant, the Senate commenced consideration of Senate Bill No. 2924.

## SECOND READING

SENATE BILL NO. 2924, by Senators Henry, Beck, Bottiger, Peterson, Keefe, Sellar, Wanamaker and Talley:

Creating a department of transportation.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2924 was substituted for Senate Bill No. 2924 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Marsh, the following amendments were adopted:

On page 5, beginning on line 11, strike all of section 1 and renumber remaining sections accordingly.

On page 9, line 7, before "planning" insert "transportation"

On page 11, line 27, after "purposes of" strike "section 1 of"

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

On page 28, line 8, after "fleet operators" strike all the matter down to the period on line 13 and insert "furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees"

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

On page 9, line 3, after "laws" strike the remainder of the sentence down to the semicolon.

## POINT OF INQUIRY

Senator Francis: "Mr. President, before it is advanced to third reading, I wonder if Senator Henry would yield to a question? Senator Henry, I talked to Senator Mardesich about page 9, line 16, and he couldn't enlighten me as to what that meant. The part that says, 'and for the amendment of the state transportation policy by the legislature.' It sounds like the transportation commission is going to have to determine the procedure for the legislature to be able to amend the state transportation policy. I really don't know what that means. It seems to me we have our own procedures here, and in other words, I am not offering an amendment at this time because I don't know whether maybe it is necessary, but I just don't know what that clause in that sub (d) there means."

Senator Henry: "Will you give me that line again please?"

Senator Francis: "Yes; on line 16, beginning with the word 'and'."

Senator Henry: "I would have no objection to striking the comma, put in a semicolon, and strike the balance of that sentence. I think it is excess verbiage, too."

On motion of Senator Francis, the following amendments were adopted:

On page 9, line 15, after "policy" strike the comma and insert "and"

On page 9, line 16, after "legislature" strike the remainder of the subsection down to the semicolon on line 17.

On motion of Senator Henry, Engrossed Substitute Senate Bill No. 2924 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

#### POINT OF INQUIRY

Senator Walgren: "Would Senator Henry yield? Senator Henry, on page 10 of the bill, line 25, it refers to the power of the department of transportation to approve the issuance and sale of all bonds authorized by the legislature for capital construction, and then it specifies state highways, toll facilities, Columbia Basin county roads, and so on. My question is whether or not, in your opinion, the words 'toll facilities' include issuance of bonds for capital construction with regard to the state ferry system?"

Senator Henry: "Whether it was the intent that it be? The intent was not. They have to approve all the bonds, now, don't they?"

Senator Walgren: "Yes."

Senator Henry: "Even though the legislature approves them?"

Senator Walgren: "As I understand it, Senator Henry, the ferry system is a part of the state highway system. We have said that by statute. Toll facilities generally include the state ferry system, and I want to be sure that it is the intent of this act that we are authorizing the department to issue bonds for capital construction for the state ferry system."

Senator Henry: "Why didn't you say so? We have no intention of taking the ferries away from Bremerton after making them part of the highway system, Senator."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Henry yield to a further question? Senator Henry, this relates to the same question, only a different phase of it... 'to approve the issuance and sale of all bonds.' Does this mean under the supervision of the state finance committee?"

Senator Henry: "I think all toll bonds and toll facility bonds and so forth are not under the state finance committee. They are handled by the department themselves. What do you want to know, do I intend for it to be handled by the state finance committee? The answer is 'no.'"

Senator Rasmussen: "Well, this isn't just for toll facilities. This is for all capital construction."

Senator Henry: "It has nothing to do with toll facility capital construction. It might have for buildings like the proposed executive building and things like that, but it doesn't have anything to do with this phase of the government."

Senator Rasmussen: "Well, I think all bonds issued by the state ought to be under the state finance committee so we have one central authority handling them. I hope they will take care of that over in the House."

Senator Henry: "They have trouble taking care of the House. How do I know?"

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2924, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Washington, Wilson, Woody—38.

Voting nay: Senators McDermott, Van Hollebeke, Wojahn—3.

Absent or not voting: Senator Wanamaker—1.

Excused: Senators Cunningham, Donohue, Fleming, Gaspard, Grant, Herr, Matson—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2924, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2132.

## SECOND READING

SENATE BILL NO. 2132, by Senators Washington, Sellar and Talley:  
Raising the salary of PUD commissioners.

## MOTIONS

On motion of Senator Washington, 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 Jones, Senator Wanamaker was excused.

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Washington yield? This act establishes a level of salaries for commissioners of PUD districts based on the operating revenue?"

Senator Washington: "Right."

Senator Mardesich: "Is there anything implicit in here that the payment of such salary would constitute compensation within the meaning of the pension laws?"

Senator Washington: "Yes, it would."

Senator Mardesich: "Irrespective of the amount of time put in on that job?"

Senator Washington: "No. The amount that they receive as a salary would be eligible for a pension under PERS. They are under it now at the hundred and fifty dollars per month level. In other words, they are like the county commissioners, any other salaried public official, they are under PERS."

Senator Mardesich: "Even those commissioners who are at the two hundred dollar level would automatically then—"

Senator Washington: "Yes, at the present time they are now under it at one hundred and fifty dollars."

## MOTION

On motion of Senator Washington, 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 Rasmussen: "Will Senator Washington yield to a question? Senator Washington, in effect raising the salaries of revenues of over fifteen million, five hundred dollars per month. I don't know much about how PUDs operate. Now, a Grant county commissioner with a vast generating facility, very little local service—"

Senator Washington: "A substantial amount of local service, actually."

Senator Rasmussen: "Well, not for the size of the plant, or any of the other big generating facilities would meet maybe once a month. They don't have many local problems, nothing very much to direct their manager on, and the generation is pretty much matter of fact. Apparently these people would be able to get five hundred dollars a month for one meeting a month."

Senator Washington: "Well no, that—"

Senator Rasmussen: "—where a smaller PUD with ten thousand customers would probably have numerous local problems, yet did not generate the vast amount of revenue from the generation, but from the distribution, and they would have more problems. They would meet maybe four or five times a month. I fail to see the relationship here between just the fact that they have a vast generating power that their duties are not that much greater. Could you explain that?"

Senator Washington: "Yes, I believe I could. Actually one of the basic facts of this increase is the substantial amount of additional time that I think all public utility district commissioners are putting in because of the energy shortage and the energy crisis. The commissioners of public utility districts of Grant County, Chelan, or Douglas County have numerous problems relating to the fisheries department, numerous problems relating to river flow, problems also each one of these districts in addition to running the dams themselves, they meet every week, sometimes more than one day a week, and they always meet at least once a week. There are many problems relating to running two dams. For instance, Grant County has Priest Rapids and Wanapum Dam, many problems relating to that, and to the problems of distribution, contract problems with the many agencies that purchase power from them, each one of these districts is also a member of the Washington public power supply system.

"They have additional duties, serving on various boards, particularly the board of the Washington public power supply. It is a very demanding position at the present time in attempting to provide power, and Grant county public utility district, not only for its own area, but also power for the Pacific Northwest. That public utility district in itself is in a growing area, a tremendous amount of agricultural load. It has a large number of customers and certainly it is a real demanding job."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2132, and the bill passed the Senate by the following vote: Yeas, 33; nays, 7; absent or not voting, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Goltz, Gould, Guess, Henry, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Washington, Wojahn, Woody—33.



Voting nay: Senators Jones, Lewis, Mardesich, Pullen, von Reichbauer, Walgren, Wilson—7.

Absent or not voting: Senators Hayner, Odegaard—2.

Excused: Senators Cunningham, Donohue, Fleming, Gaspard, Grant, Herr, Matson—7.

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 Walgren, the Senate commenced consideration of Senate Bill No. 3047.

#### SECOND READING

SENATE BILL NO. 3047, by Senators Washington, Morrison and Donohue:

Extending the application date to April 15 for current use classification of agricultural land for taxation beginning in the subsequent year.

#### MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 3047 was substituted for Senate Bill No. 3047 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, Substitute Senate Bill No. 3047 was advanced to third reading, the second 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. 3047, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Excused: Senators Cunningham, Donohue, Fleming, Gaspard, Grant, Herr, Matson—7.

SUBSTITUTE SENATE BILL NO. 3047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Walgren, the following resolution was referred to the Senate Committee on Energy and Utilities:

#### SENATE RESOLUTION 1977-22

By Senator Ridder:

WHEREAS, The Washington State Utilities and Transportation Commission has heretofore been mandated by the superior court of the State of Washington to

restrict the misuse of benefits flowing to utility companies by reason of charitable contributions; and

WHEREAS, The Washington State Utilities and Transportation Commission has disregarded both judicial decision and the precedents of tax law in dealing with the charitable contributions of utility companies by recently allowing substantial benefits to telephone company owners, which benefits are unobtainable by the individual wage earner; and

WHEREAS, Charitable contributions made by utility companies are actually paid by the customers through their utility bills; and

WHEREAS, Customers are the ones who should receive the tax deductions or credits for the money that the companies give as charitable contributions to foster community relations; and

WHEREAS, There is a gross inequity when the Utilities and Transportation Commission permits a utility to claim contributions as a cost of doing business while an individual or other business may take only a standard tax deduction after paying contributions from salary or business income;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Washington State Utilities and Transportation Commission be commended for any other action that it might take to encourage charitable contributions but that it be admonished for its discriminatory treatment in favor of utilities in recently allowing certain utilities to escape both the cost and the tax consequences which would be the responsibility of the stockholders of any other form of company making charitable contributions;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to each member of the Utilities and Transportation Commission.

#### MOTION

At 2:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 5, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-SIXTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, April 5, 1977.

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, Grant, Herr and Woody. On motion of Senator Odegaard, Senators Fleming, Grant, Herr and Woody were excused.

The Color Guard consisting of Pages Patty Hamilton and Brian Asbury, 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 YET MANY PERSONS IN OUR STATE AND NATION STRUGGLE FOR THE BASIC NECESSITIES OF A MEANINGFUL LIFE—FOOD, HEALTH, HOUSING, EDUCATION, JOBS.

"SO MAY THESE CRITICAL NEEDS OF OUR FELLOW-CITIZENS BURN INTO OUR AWARENESS, AND MAY WE NOT TURN OUR BACKS UPON THEM. GUIDE THESE SENATORS AS THEY CONSIDER POTENTIAL WAYS OF MEETING THESE NEEDS. MAY THEY ALLOW THEMSELVES TO BE GUIDED BY YOUR SPIRIT INTO CREATIVE AND REALISTIC SOLUTIONS. FOR WE ASK THIS IN THE NAME OF YOUR SON, JESUS CHRIST. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 4, 1977.

SENATE BILL NO. 2015, exempting certain intra-family property transfers from the excise tax on real estate transfers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

April 4, 1977.

SENATE BILL NO. 2306, changing the requirements for vehicle accident liability insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 2306 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

April 4, 1977.

SENATE BILL NO. 2800, tuition and fees, higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2800 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Marsh, Morrison, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 2927, changing the time when animals are deemed abandoned (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 2949, implementing the gambling act (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 2949 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 31, 1977.

SENATE BILL NO. 3051, mandating appointment of community college treasurers and providing for advancements for vendor payments by said treasurers (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 3051 be substituted therefor and the substitute bill do pass.

Signed by: Senators Odegaard, Chairman, Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 3079, authorizing county property to be leased to a public agency for a term of years not to exceed fifty (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman, Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

March 31, 1977.

RAMON L. BARNES, to the position of member of the Board of Trustees for Fort Steilacoom Community College, District No. 11, appointed by the Governor on March 7, 1977 for the term ending April 3, 1981, succeeding Warren S. Miller, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 4, 1977.

BARBARA A. WELSEY, to the position of member of the Board of Trustees for Tacoma Community College, District No. 22, appointed by the Governor on

April 4, 1977 for the term ending April 3, 1982, succeeding Rev. Robert Yamashita (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 4, 1977.

DAVID ELLSWORTH, to the position of member of the Board of Trustees for Centralia Community College, District No. 12, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980, succeeding Melvin Henderson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 5, 1977.

MRS. BENAY NORDBY, to the position of member of the Board of Trustees for Green River Community College, District No. 10, appointed by the Governor on March 7, 1977 for the term ending April 3, 1980, succeeding Dr. Spencer W. Shaw (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

### MESSAGES FROM THE GOVERNOR

Office of the Governor, April 4, 1977.

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

I have the honor to advise that on April 4, 1977, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 2057, bringing various laws dealing with motor vehicle operators into accord with current practices.

Sincerely yours,  
JOE ZASPEL  
Legislative Assistant.

### GUBERNATORIAL APPOINTMENT

Office of the Governor, April 4, 1977.

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

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

George Johnson, appointed April 16, 1977, for a term ending April 15, 1982 succeeding himself as a member of the State Board of Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

## MESSAGE FROM THE HOUSE

April 4, 1977.

MR. PRESIDENT: The House has passed:  
 HOUSE BILL NO. 286,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 440,  
 SUBSTITUTE HOUSE BILL NO. 470,  
 ENGROSSED HOUSE BILL NO. 495,  
 SUBSTITUTE HOUSE BILL NO. 502,  
 HOUSE BILL NO. 583,  
 SUBSTITUTE HOUSE BILL NO. 622,  
 HOUSE BILL NO. 642,  
 HOUSE BILL NO. 670,  
 HOUSE BILL NO. 672,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 718,  
 HOUSE BILL NO. 819,  
 SUBSTITUTE HOUSE BILL NO. 1033, and  
 SUBSTITUTE HOUSE BILL NO. 1146, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2416.

## SECOND READING

SENATE BILL NO. 2416, by Senators Walgren, Woody, Clarke and Henry:  
 Providing a forfeiture hearing before the seizing agency to a person whose property has been seized under the controlled substances act.

The bill was read the second time by sections.

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

On page 2, line 30, before "any" strike "or" and insert "and"

On motion of Senator Walgren, 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, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Francis—1.

Excused: Senators Fleming, Grant, Herr, Woody—4.

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.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, by Committee on Social and Health Services (originally sponsored by Representatives Valle, Burns, Charnley, Craswell, Erickson, Fischer, Grimm, Gruger, Hawkins, Kreidler, Maxie, Paris, Pruitt, Sanders and Whiteside):

Establishing a dental disciplinary board.

### REPORT OF STANDING COMMITTEE

March 21, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, establishing a dental disciplinary board (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 14, line 17, strike all of "NEW SECTION, Sec. 38".

Signed by: Senator Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, Monohon, North, Wojahn.

The bill was read the second time by sections.

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

Senator Marsh moved adoption of the following amendments:

On page 1, line 16, beginning on line 16, with the words "The legislature finds" strike all the matter down through "state." on line 22.

On page 1, line 23, strike "further"

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

On motion of Senator Day, Engrossed Substitute House Bill No. 23, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 23, 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, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senator Mardesich—1.

Absent or not voting: Senator Francis—1.

Excused: Senators Fleming, Grant, Herr—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 23, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2441.

## SECOND READING

SENATE BILL NO. 2441, by Senators Donohue, Keefe and Gaspard:  
 Providing for disbursement of certain funds to counties to upgrade certain horse  
 race courses.

## REPORT OF STANDING COMMITTEE

March 8, 1977.

SENATE BILL NO. 2441, providing for disbursement of certain funds to  
 counties to upgrade certain horse race courses (reported by Committee on Ways and  
 Means):

MAJORITY recommendation: Do pass with the following amendment.

On page 2, line 14, after "meet" and before "shall" add: "and the amount  
 retained by the commission as specified in RCW 67.16.100"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke,  
 Jones, Marsh, Morrison, Murray, Sandison, Scott, Washington.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Talley: "I wonder if Senator Donohue would yield? Senator Donohue,  
 would you object if we set this bill over while I prepare an amendment to allow dog  
 racing on these small tracks? Or would you rather have me let it go to the House  
 and put it on over there?"

Senator Donohue: "Senator, I am waiting for your bill to come out on the floor,  
 and—"

Senator Talley: "Thank you, sir."

## POINT OF INQUIRY

Senator Woody: "Would Senator Donohue yield? Senator Donohue, on page 2,  
 line 17 the last word is 'and', but would it require for this distribution to take place  
 to any county that the county not operate fairs, but also operate a race course?"

Senator Donohue: "There are only three fairs that, fair areas that actually have  
 race tracks, and—"

Senator Woody: "I understand that, but in order to be a recipient, such as  
 Snohomish County fair does not operate a race track per se. Would they be eligible  
 for these funds even though they have a fair?"

Senator Donohue: "The answer, Senator, is 'no', and the reason for this is that  
 the small tracks today, and there are three of them, do produce some income which  
 goes back into the fair fund. Consequently, they would be the only ones that would  
 fall into the act."

Senator Woody: "Perhaps I am not making myself clear, or I don't understand  
 you, the latter of which could be equally true. In the distribution on line 16, the  
 funds that are distributed, would they only go to the three tracks that you are talk-  
 ing about, or would they also go to the smaller counties such as Snohomish County  
 fair?"

Senator Donohue: "No, they would go only to the fairs that own and operate  
 race tracks."

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Donohue yield to another  
 question? Senator Donohue, I would like to rephrase Senator Woody's question.



Snohomish County and Pierce County hold agricultural fairs, but we at this time, at least to date, have not held a race. If we held a race as well as the fair, would we be able to qualify for this distribution?"

Senator Donohue: "If you fell under the—if they would develop a race track and actually held races and were non-profit, the answer to the question is 'yes'."

Senator Bottiger: "Thank you."

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

On motion of Senator Donohue, Engrossed Senate Bill No. 2441 was advanced to third reading, the second 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. 2441, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Matson, Scott—2.

Absent or not voting: Senators Francis, Newschwander—2.

Excused: Senators Fleming, Grant, Herr—3.

ENGROSSED SENATE BILL NO. 2441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 286, by Representatives Nelson (Gary), North, Fortson and Shinoda:

Authorizing humane societies to purchase, possess, and administer sodium pentobarbital for the sole purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals.

Referred to Committee on Agriculture.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, by Committee on Social and Health Services (originally sponsored by Representatives Pearsall, Newhouse, Hanna and Lux):

Regulating audiologists and speech pathologists.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, by Judiciary Committee (originally sponsored by Representatives Smith, Winsley and Knowles) (by Judicial Council request):

Modifying the homestead exemption.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 470**, by Committee on Education (originally sponsored by Representatives Clemente, Barnes, Ehlers and Heck) (by Superintendent of Public Instruction request):

Setting forth the "In-service training act of 1977" for common school personnel training.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 495**, by Representative Lux (by Department of Employment Security request):

Modifying definitions under unemployment compensation law.

Referred to Committee on Labor.

**SUBSTITUTE HOUSE BILL NO. 502**, by Committee on Revenue (originally sponsored by Representative Sommers) (by Department of Revenue request):

Modifying appeals procedures to and from board of tax appeals.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 583**, by Representatives Whiteside, Deccio, Fortson and Wilson:

Permitting school districts to waive or reduce fees for low-income senior citizens.

Referred to Committee on Education

**SUBSTITUTE HOUSE BILL NO. 622**, by Committee on Appropriations (originally sponsored by Representatives Blair, Erickson and McKibbin):

Establishing a calculation base for supplemental payments under TIAA/CREFF.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 642**, by Representatives Winsley, Monohon, Kreidler and Keller:

Requiring that applicatons for abatement of taxes on destroyed property be filed in the year of destruction or within 75 days of destruction.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 670**, by Representatives Pardini, Eng, Knowles, Fuller, Lee and Paris:

Restricting use of residential reserve accounts.

Referred to Committee on Financial Institutions and Insurance.

**HOUSE BILL NO. 672**, by Representatives Smith, Fortson, Chandler, Charnley, Monohon, Berentson Conner, Wilson, Salatino, Knedlik and Douthwaite:

Limiting the size of ships that newly-licensed pilots may pilot.

Referred to Committee on Transportation.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 718**, by Committee on Transportation (originally sponsored by Representatives Charnley, Berentson, Conner, Patterson, Hansen, Gilleland, Burns, Gallagher, Chandler, Gaines, Sherman, Bender, Clemente, Thompson, Leckenby, Blair, Nelson (Dick), Martinis and Wilson):

Creating a department of transportation.

Referred to Committee on Transportation.

**HOUSE BILL NO. 819**, by Representatives Adams, Kreidler, Fortson, Gruger, May, Pearsall and Lux:

Extending child welfare services.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 1033**, by Committee on Appropriations (originally sponsored by Representative Shinpoch):

Providing funds for sundry claims and election costs.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 1146**, by Committee on Transportation (originally sponsored by Representatives Conner and Gaines):

Revising regulation of the trucking industry.

Referred to Committee on Transportation.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 4, 1977.

Mr. President: The House has passed SENATE BILL NO. 2251 with the following amendment:

On page 1, line 18, strike "cessionaires" and insert "cessions", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendment to Senate Bill No. 2251.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2251, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Francis—1.

Excused: Senators Fleming, Grant, Herr—3.

SENATE BILL NO. 2251, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:40 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.

## MOTIONS

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

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2460.

## SECOND READING

SENATE BILL NO. 2460, by Senators von Reichbauer, North and Sandison: Authorizing hostels.

The Senate resumed consideration of Senate Bill No. 2460. On April 1, 1977, the committee amendments were adopted.

On motion of Senator von Reichbauer, the following amendments were adopted:

On page 1, lines 13 and 28, strike "70.54" and insert "43.51"

On page 1, line 13, insert the following new section:

"NEW SECTION. Sec. 2. There is added to chapter 43.51 RCW a new section to read as follows:

For purposes of this chapter, "hostel" means a simple basic structure that serves as a safe, low-cost accommodation for mobile people of all ages from this country and abroad."

Renumber remaining sections consecutively.

On motion of Senator von Reichbauer, Engrossed Senate Bill No. 2460 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Scott: "Would Senator von Reichbauer yield? Senator, this isn't a facetious question, but how are we going to keep drugs and booze out of them?"

Senator von Reichbauer: "Mr. President, the individuals who passed and supported this measure, Traveler's Aid Society, the YMCA and other organizations will be the organizations responsible for these. All this is is permissive language for these groups to get money from the federal government. I have a lot of faith in the YMCA and, of course, in the Traveler's Aid Society in maintaining the highest standards of health care in these hostels."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2460, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent or not voting, 1; excused, 3.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Day, Francis, Gaspard, Goltz, Gould, Guess, Lewis, Marsh, McDermott, Monohon, Murray, North, Odegaard, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wajohn—26.

Voting nay: Senators Bausch, Benitz, Clarke, Cunningham, Donohue, Hayner, Jones, Keefe, Mardesich, Matson, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Scott, Walgren, Wanamaker, Woody—19.

Absent or not voting: Senator Henry—1.

Excused: Senators Fleming, Grant, Herr—3.

ENGROSSED SENATE BILL NO. 2460, having received the constitutional 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 12:25 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 2251.

#### MOTION

On motion of Senator Buffington, Senator Murray was excused.

#### MOTIONS

On motion of Senator Marsh, Senate Bill No. 2559 will be considered after Senate Bill No. 2668.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2484.

#### SECOND READING

SENATE BILL NO. 2484, by Senators Henry and Wanamaker:

Modifying scope of the authority of the utilities and transportation commission to issue rules.

The bill was read the second time by sections.

On motion of Senator Henry, Senate Bill No. 2484 was advanced to third reading, the second 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. 2484, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 8; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Monohon, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Absent or not voting: Senators Donohue, Mardesich, Matson, McDermott, Morrison, Rasmussen, Sandison, Walgren—8.

Excused: Senators Fleming, Grant, Herr, Murray—4.

SENATE BILL NO. 2484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2868.

## MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

## SECOND READING

SENATE BILL NO. 2868, by Senators von Reichbauer, North, Sellar and Fleming:

Providing for new boards of commissioners for merged fire districts.

The bill was read the second time by sections.

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

On page 1, strike all line 9 and insert "At the next three elections for fire"

On page 2, line 3, after "state))" strike everything down to the period on line 8 and insert "as follows, notwithstanding the number of fire commissioners whose terms expire:

In the first election after the merger, only one position shall be filled, whether the new fire protection district be a three member district or a five member district pursuant to RCW 52.12.015.

In each of the two subsequent elections, one position shall be filled if the new fire protection district is a three member district and two positions shall be filled if the new fire protection district is a five member district pursuant to RCW 52.12.015.

Thereafter, the fire commissioners shall be elected in the same manner as prescribed for such fire protection districts of the state"

On motion of Senator Wilson, Engrossed Senate Bill No. 2868 was advanced to third reading, the second 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. 2868, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Excused: Senators Donohue, Fleming, Grant, Herr, Murray—5:

ENGROSSED SENATE BILL NO. 2868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2559, by Senators Sandison, Walgren and Buffington (by Executive request of Governor Ray):

Creating the governor's office of citizens' affairs.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2559 was substituted for Senate Bill No. 2559 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 10, after "handicapped," and before "women" insert "men,"

On page 2, line 19, after "of" and before "women" insert "men,"

On page 2, line 22, after "for" and before "women" insert "men,"

On page 2, line 25, after "of" and before "women" insert "men,"

On page 2, line 29, after "of" and before "women" insert "men,"

On page 2, line 35, after "for" and before "women" insert "men,"

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

Senator Francis moved adoption of the following amendment:

On page 1, line 19, after "Minorities" strike "include" and insert "includes but is not limited to"

## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Before voting on that, would Senator Francis yield to a question? I am just wondering if what you are trying to get at isn't already handled in page 1, line 11 under the definition of 'and others.' That seems fairly broad."

Senator Francis: "Senator Cunningham, in my opinion, section 1 is one of those preamble rhetoric type sections, and I am not sure what it means. It is a legislative finding that states that 'and others' have unique and special problems, but the section that the working portions of the bill is going to have to refer to is the definition section, and if we are going to be working from a definition of minorities, we had better define it broadly, a little more broadly than it is in that definition."

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

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

On page 2, beginning on line 18, after "examine" strike "and define"

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Marsh was adopted:

On page 1, line 19, after "handicapped" insert "as defined by RCW 72.33.020 (1) (2), mentally ill,"

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

On page 3, line 7, strike "fifty" and insert "sixty"

## MOTION

Senator Wojahn moved that Senate Bill No. 2559, as amended, be referred to the Committee on Ways and Mens.

Debate ensued.

## POINT OF INQUIRY

Senator Goltz: "Mr. President, would Senator Wojahn yield to a question? I would like to ask Senator Wojahn is there a fiscal note on this bill, and if there is, what is the origin of that fiscal note?"

Senator Wojahn: "Senator Goltz, there is a fiscal note that I got from the office of program planning and fiscal management, and the fiscal is now with Senator Odegaard, but it is in excess of almost a million dollars—it is almost a million dollars fiscal."

## MOTION

At 2:10 p.m., on motion of Senator Walgren, the Senate adjourned until Wednesday, April 6, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## TWENTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 6, 1977.

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 Donohue, Fleming, Francis and Odegaard. On motion of Senator Marsh, Senators Donohue, Fleming, Francis and Odegaard were excused.

The Color Guard, consisting of Pages Maril Smith and Mark Sartain, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"IN PRAYER WE COME TO YOU JUST NOW, O GOD, KNOWING THAT YOU ARE, AND HAVE BEEN WITH US CONTINUOUSLY, EVEN WHEN WE HAVE NOT RECOGNIZED YOUR PRESENCE. WE COME, SEEKING YOUR SPECIAL BLESSING UPON EACH OF THESE SENATORS AS THEY THINK AND WORK TOGETHER HERE IN THIS CHAMBER, IN COMMITTEE MEETINGS, AND IN THEIR OFFICES.

"HELP THEM TO CONFRONT AND OVERCOME THE STRAINS AND TENSIONS OF THE ENDLESS DEMANDS PLACED UPON THEM BY CONSTITUENTS AND PRESSURE GROUPS, AND TO SEEK SOLUTIONS WHICH MEET THE NEEDS OF MANY RATHER THAN OF THE FEW. THROUGH 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

March 28, 1977.

SENATE BILL NO. 2615, providing funding for local health departments (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2615 be substituted therefor and the substitute bill do pass and be referred to the committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Van Hollebeke, Wojahn.

Referred to Committee on Ways and Means.

March 4, 1977.

SENATE BILL NO. 2634, relating to natural resources (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 2634 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 2663, modifying the law on state employees affected by the closing of state facilities (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 4, 1977.

SENATE BILL NO. 2840, modifying income requirements for retired person's tax exemptions and increasing exempt property valuation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2840 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Mardesich, Marsh, Morrison, Murray, Rasmussen, Sandison, Scott, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

March 30, 1977.

SENATE BILL NO. 2876, providing continuing general assistance for unemployed employable persons under certain conditions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Pullen, Wojahn.

Referred to Committee on Ways and Means.

April 4, 1977.

SENATE BILL NO. 2911, authorizing reimbursement for certain medical services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and refer to the committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Van Hollebeke, Wojahn.

Referred to Committee on Ways and Means.

April 5, 1977.

SENATE BILL NO. 3056, authorizing municipal support of public performing arts centers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 3067, establishing the Washington State Register (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3067 be substituted therefor, the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Referred to Committee on Ways and Means.

April 5, 1977.

SENATE BILL NO. 3068, allowing school districts to start terms in August with apportionment credit therefor in succeeding school year beginning in September (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

April 6, 1977.

ENGROSSED HOUSE BILL NO. 617, allowing some mutual savings banks to pay higher expenses for management and operation (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Clarke, Herr, Jones, Mardesich.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

April 5, 1977.

MRS. GERTRUDE H. REAVIS, to the position of member of the State Board of Pharmacy, appointed by the Governor on March 15, 1977, for the term ending January 18, 1981, (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Wojahn.

Passed to Committee on Rules.

April 5, 1977.

GEORGE L. BRADLEY, to a position on the State Board of Pharmacy, appointed by the Governor on March 18, 1977 for the term ending January 18, 1981, succeeding Phillip Nudelman (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules.

April 5, 1977.

FATHER MATTHEW NAUMES, to a position on the Board of Prison Terms and Paroles, appointed by the Governor on March 18, 1977 for the term ending April 15, 1977, succeeding Jack Berry (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules.

April 5, 1977.

FATHER MATTHEW NAUMES, to the position of member of the Board of Prison Terms and Paroles, appointed by the Governor on April 16, 1977 for the term ending April 15, 1982, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

April 5, 1977.

Mr. President: The House has passed HOUSE BILL NO. 646, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 646, by Representatives King, Fischer and Lux:

Including law enforcement officers of all cities, counties and certain port districts within the definition of "uniformed personnel" of the public employees collective bargaining act.

Referred to Committee on Labor.

### MOTION

At 10:10 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2668.

### SECOND READING

SENATE BILL NO. 2668, by Senators Marsh, Francis and Buffington:  
Enacting a Landlord-Tenant Act for mobile home lots.

### REPORT OF STANDING COMMITTEE

March 21, 1977.

SENATE BILL NO. 2668, enacting a Landlord-Tenant Act for mobile home lots (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert:

"**NEW SECTION.** Section 1. This chapter shall regulate and determine legal rights, remedies, and obligations of the parties to any rental agreement regarding a mobile home lot. Any written or oral rental agreement shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall

be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

**NEW SECTION.** Sec. 2. For purposes of this chapter:

(1) "Tenant" means any person, except a transient, who rents a mobile home lot on which such person places a mobile home pursuant to a rental agreement.

(2) "Transient" means a person who rents a mobile home lot expressly for a period of less than one month.

**NEW SECTION.** Sec. 3. On and after the effective date of this act, no landlord may offer a mobile home lot for rent without offering to the tenant or prospective tenant a written rental agreement for a term of six months. A tenant or prospective tenant who desires to occupy a mobile home lot for other than a six months term may have the option to be on a month to month basis but must waive, in writing, the right to such six month term. Except pursuant to such waiver, no landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by the landlord and the tenant and a copy provided for the tenant.

**NEW SECTION.** Sec. 4. Any rental agreement executed between the landlord and tenant shall contain:

(1) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(2) Reasonable rules for guest parking shall be clearly stated and, unless a violation thereof occurs, no fee shall be charged a tenant or the guest of a tenant for guest parking, except guest parking which covers an extended period as defined in the rental agreement. No agreement shall provide for towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(3) The rules and regulations of the park, serious or repeated violations of the material terms of which will constitute grounds for eviction from the mobile home park and/or termination of the rental agreement;

(4) The name and address of the person who is the landlord, and if such person does not reside in the state where the premises are located there shall also be designated by name and address a person who resides in the county who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent.

**NEW SECTION.** Sec. 5. Tenancy during the term of a rental agreement or any renewal thereof may be terminated by the landlord only for one or more of the following reasons:

(1) Failure of the tenant to comply with the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant. The tenant shall be given written notice of a fifteen day period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

(2) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(3) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate.

NEW SECTION. Sec. 6. (1) Unless otherwise agreed rental agreements shall be for a term of six months and shall be automatically renewed on a semiannual basis unless:

- (a) otherwise specified in the original written rental agreement; or
- (b) the landlord shall notify the tenant in writing two months prior to the expiration of the rental agreement that it will not be renewed or will be renewed only with the changes contained in such notice.

A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(2) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends.

(3) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

On motion of Senator Marsh, the following amendments by Senators Hayner and Marsh to the committee amendment were adopted:

On line 5 of section 3 of the committee amendment, after "months" insert "or more"

On line 6 of section 3 of the committee amendment, after "than a" insert "term of" and after "months" insert "or more"

On line 7 of section 3 of the committee amendment, strike "term"

On line 9 of section 3 of the committee amendment, after "month" insert "or more"

On motion of Senator Morrison, the following amendment to the committee amendment was adopted:

On page 3, after section 6 of the committee amendment, insert the following new section:

"NEW SECTION. Sec. 7. The provisions of this act shall apply to such mobile home parks only when the primary purpose of such a mobile home park is the rental or lease of such lots or spaces for the production of income: PROVIDED, That the provisions of this chapter shall not apply when there is an employer-employee relationship between the landlord and tenant."

Renumber remaining sections consecutively.

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

## MOTIONS

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Marsh, Engrossed Senate Bill No. 2668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield? Senator Marsh, if they offered a six months lease and they couldn't raise the rent or lower the rent or anything else during that six months lease period, is that correct?"

Senator Marsh: "That is correct."

Senator Talley: "Thank you."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2668, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Bottiger, Talley—2.

Excused: Senators Donohue, Fleming, Francis, Matson, Odegaard—5.

ENGROSSED SENATE BILL NO. 2668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2241, by Senators Day, von Reichbauer and Herr:  
Permitting use of Laetrile.

### REPORT OF STANDING COMMITTEE

February 16, 1977.

SENATE BILL NO. 2241, permitting use of Laetrile (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, before the period insert "after having been given sufficient information in writing to make an informed decision"

Signed by: Senators Day, Chairman; Francis, Herr, Pullen, Ridder, Van Hollebeke, Wojahn.

The bill was read the second time by sections.

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

Senator North moved adoption of the following amendment:

On page 1, line 10, after "patient" insert ": PROVIDED, That before prescribing or administering amygdalin, the physician shall obtain the signature of the patient on an informed consent form as provided in RCW 7.70.060 and, further, the physician shall advise the patient of the availability of amygdalin on the local commercial market"

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Would Senator North yield to a question? Senator North, the first amendment requires the doctor to offer the informed consent form that we drafted to handle surgery type situations. Now, to the best of my knowledge, if I go to the doctor and he prescribes aspirin, I don't sign a consent, implied consent form. I am wondering, then, what new liability we might be imposing on a doctor who fails to either fully describe as I go to 7.70.060 all of the kind of things that might be incurred there. Is the amendment a friendly amendment in the sense of better informing the patient or is it an amendment that is going to impose malpractice liability on a doctor if he misses something?"

Senator North: "Senator Bottiger, it is meant as a friendly amendment to strengthen the bill. I have 7.70.060 in front of me and I don't see any words that say this is a situation limited strictly to surgery."

Senator Bottiger: "I agree that isn't in there but the word 'treatment' is in there. If the interpretation of that implied consent is that every time a doctor gives a prescription for anything he must use an implied consent because that is all he is doing here is prescribing something, then we are imposing a new duty on doctors that I don't think any of them anticipated when we passed the malpractice bill."

Senator North: "The reason that it is here, Senator Bottiger, is the whole bill, and I wasn't going to mention it until we get to the second amendment, is so unusual in the whole RCWs. Nowhere do we speak to a specific substance. Nowhere do we specifically grant immunity to a member of a profession for making use of a specific product. This is unique in the whole RCWs. We don't have anything like it, and because of its uniqueness, I really felt that we needed to clue in this particular informed consent formula that we have here. This is something that we already have in our law. It made sense to me to cross reference to it, and so that is the intent, to make it clear that the patient is fully informed about this specific substance."

Senator Bottiger: "One more question, Senator North, if you will. The second half, 'further, the physician shall advise the patient of the availability,' and I can't pronounce it, 'on the local commercial market.' Now, from what I understood you to say, there isn't any local commercial market other than going out and grinding it yourself, which I take it wouldn't be commercial."

Senator North: "Not quite correct, Senator Bottiger. At the hearing, it was brought out that there are some health food stores within the state who do have this preparation available. In some places it is labeled as a vitamin. Research tells us that it isn't a vitamin, but it is available in some health food stores, and I felt that the physician should advise the patient of this, making it clear that it is pretty darn hard to get, and giving him the whole picture about interstate commerce, foreign countries and what is available within the state of Washington."

Debate ensued.

## POINT OF INQUIRY

Senator McDermott: "Mr. President, would Senator Woody yield to a question? If we do not accept Senator North's amendment, let me pose a case to you and I would like your response as to whether there would be the possibility of an action, a malpractice suit.

"A person comes to a doctor. The diagnosis of cancer is made, and the doctor lays out the alternatives, X-ray treatment, chemotherapy and other similar kinds of disastrous treatments, in a way. The patient says, 'No, I would like to take Laetrile.' Within six months the Laetrile doesn't affect that situation. The patient dies. Is there any way in which the family can then come back and sue the physician because he did not administer the generally medically accepted treatments since there is no record of the fact that the doctor explained these other things, and the



whole conversation, in other words, without a written form how is the doctor protected in the situation where someone else, or maybe even the patient changes their mind at a certain point?"

Senator Woody: "Clearly in the event that the patient were to die and all of the transaction occurred orally, if there were a subsequent suit for malpractice, whether it be for conduct beneath the standard of care in the community or, and I emphasize 'or', lack of informed consent or any other ground for a medical malpractice suit, then immediately at the trial you would be confronted with the so-called dead man's statute, and that is you can't testify to a transaction with a decedent. At which point you would not get into evidence the fact that we discussed all of these other things, chemotherapy, radiation—. Even in front of other people, the dead man's statute applies. But in the event it were in writing, the dead man's statute still applies as to transactions, and that has been interpreted by the supreme court as to transactions between people as opposed to negligent conduct. At that point it would be an element of truth, and I think anyone who has been through suits of that nature can tell you that the posture of the truth at the time it occurs is highly different from the time it is in court and there is testimony about what occurred, and in all likelihood the malpractice suit would continue beyond a challenge to the sufficiency of the evidence and you would go all the way to the jury.

"At that point, I can only say juries do what juries will do, and it is pi R squared times your weight. The instructions by the judge will be that in the event that you find that there was an informed consent, all these other alternatives were stated to the patient, and if the patient then said, 'I don't care about those other things. I demand Laetrile,' and if that is the only allegation in the suit, undoubtedly the physician will be successful in the suit. However, if that is not the only allegation, if there are some plaintiff's expert witnesses who testify that the standard of care in the community is, even when a person is told about these other possible sources of treatment and they say, 'I want Laetrile,' the standard of care in the community is to insist upon these other things as well, or else say, 'I'm sorry, I'm not going to continue treating you because treatment of Laetrile is not within the medical profession,' there might very well be a lawsuit.

"In the end result, I don't think whether we have this amendment or not, you are going to substantially affect medical malpractice suits in the event Laetrile is or is not used."

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

Senator North moved adoption of the following amendment:

On page 1, lines 11 through 16, strike all of section 2.

Debate ensued.

### POINT OF INQUIRY

Senator Bottiger: "Would Senator Day yield to a question? Senator Day, would the enactment of this bill prevent the disciplinary board from bringing before it a doctor who prescribed Laetrile in all cases for anybody suspected of cancer? Is it so broad that we would create a quackery?"

Senator Day: "It is my opinion, and it is my intent—we will put this right in the record, that that would not be so, that it would allow a physician to keep control of a patient and to use any and all other methods that he felt were indicated, and at the same time, allow the patient to have Laetrile without running to Mexico or California, if they could afford to do so for a couple thousand dollars, thereby really retaining the patient-doctor relationship and strengthening the capability of the medical profession to handle the case. That is my intent in passing this."

## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. I am wondering, would Senator Day yield to a question? Senator Day, we have had a lot of discussion on this. Would you be adverse to having this bill held until tomorrow so we can get a lawyer's opinion?"

Senator Day: "We have had a number of lawyer's opinions. In fact, we have had the learned counsel, Senator Woody's opinion, and we had other people's opinions on this bill and I feel that, you know, I think people know whether they are for the patient having certain rights or not. That is all this bill is about. It doesn't take anything away from the medical profession, rather it extends to them a very small additional protection for them in their patient relationship, and I just think that holding it isn't going to change anybody's mind. As far as I am concerned, we have washed this bill around plenty. I think that maybe this thing can be what it really is intended to be, and that is a signal to someone that when a substance, just because the substance is not a drug, or because a substance is not generated out of a large cartel somewhere, doesn't mean that it doesn't have value, and that people have a right to utilize it."

Further debate ensued.

## PARLIAMENTARY INQUIRY

Senator North: "Mr. President, point of parliamentary inquiry. Are we acting upon Senator Cunningham's motion, or are we acting upon the amendment. I am a little confused."

## REPLY BY THE PRESIDENT

President Cherberg: "In reply to your inquiry, Senator North, the question is the adoption of the amendment. Senator Cunningham made several remarks on the amendment and then moved adoption of the amendment. If Senator Cunningham desires to make the motion at a later time, the President will recognize him to do so."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator North yield to a question? Senator North, if in the event that they hold the bill, wouldn't it be better to hold your amendment until such a time as they—"

Senator North: "I would temporarily withdraw my amendment if that will clarify the situation."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Day, would you yield to a question? Senator Day, you have no objection to holding the bill for one day?"

Senator Day: "Well, I will agree to holding the bill for one day. I can't see that it is going to in any way change something that we have been delving into this long, but out of courtesy, I certainly would do it."

## MOTION

On motion of Senator Rasmussen, Senate Bill No. 2241, as amended, was ordered to hold its place on the second reading calendar for April 7, 1977.

## MOTION

On motion of Senator Lewis, Senators Newschwander, Wanamaker and Murray were excused.

## SECOND READING

SENATE BILL NO. 2301, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Increasing witness fees.

The bill was read the second time by sections.

On motion of Senator Clarke, Senate Bill No. 2301 was advanced to third reading, the second 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. 2301, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Francis, Matson, Murray, Newschwander, Wanamaker—6.

SENATE BILL NO. 2301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTIONS

On motion of Senator Goltz, all members were added as additional sponsors to Senate Resolution No. 1977-23.

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

## SENATE RESOLUTION 1977-18

By Senators Goltz and Newschwander; President of the Senate John A. Cherberg; Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody; and Sid Snyder, Secretary of the Senate:

WHEREAS, Baseball is the Great American Game; and

WHEREAS, Major league baseball returns to the State of Washington tonight in the uniforms of the Seattle Mariners; and

WHEREAS, Legislators know something of the perils of spring training, extra inning games, and being hit by wild pitches, as well as the joy of making an occasional score; and

WHEREAS, The State of Washington is pleased that Danny Kaye and the Mariner owners, Manager Darrell Johnson and the staff, and the Mariner players are an energetic and promising organization;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate welcomes the Seattle Mariners to the State of Washington and wishes the team, its owners and the fans a very successful and pleasant season; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to have a copy of this resolution forwarded to the Kingdome Mariner locker room prior to tonight's game.

#### MOTION

At 12:50 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, April 7, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 7, 1977.

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 Donohue, Fleming and Odegaard. On motion of Senator Marsh, Senators Donohue, Fleming and Odegaard were excused.

The Color Guard, consisting of Pages Gordon Hawkes and Staci McKechnie, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, THE ONE WHO HAS CREATED US AND FORMED US INTO ONE NATION UNDER GOD, WE SET ASIDE THIS MOMENT TO STAND IN YOUR PRESENCE, MINDFUL OF OUR DEPENDENCE UPON YOU. HELP US TO SPEND THESE MOMENTS OF PRAYER FACE-TO-FACE WITH YOU, BEFORE WE COME FACE-TO-FACE WITH YOU IN ETERNITY.

"AS THESE SENATORS GATHER HERE AT THIS HOUR, MAY THEY BECOME INCREASINGLY AWARE OF THEIR DIVERSITY AND DIFFERENCES AS THEY SEARCH FOR AREAS OF AGREEMENT. HELP THEM TO RESIST THE TEMPTATION TO INSIST ON THEIR OWN WAY, TO THE EXCLUSION OF ANY CONSIDERATION OF THE WISHES OF THOSE WHO SEE THINGS DIFFERENTLY. MAY THY SPIRIT GUIDE THEM IN A QUEST FOR YOUR TRUTH AND YOUR WILL IN ALL AREAS OF OUR LIVES. SHOW US THIS WAY THROUGH CHRIST YOUR SON. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 6, 1977.

SENATE BILL NO. 2076, mandating classroom visitation rights of parents, guardians or custodians of pupils (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2076 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 2197, revising laws regulating escrow officers and agents (reported by Committee on Financial Institutions and Insurance):

Recommendation: That Substitute Senate Bill No. 2197 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 2809, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2809 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

April 6, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2251, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 6, 1977.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 257 and  
ENGROSSED HOUSE BILL NO. 588, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 257, by Judiciary Committee (originally sponsored by Representatives Thompson, Haley, Adams, Blair, Charnley, Becker, Hanna, Douthwaite, Williams, Lux, Chandler, King, Burns and Nelson (Dick):

Enacting the Marihuana Education and Control Act of 1977.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 588, by Representative Hawkins:

Modifying the filling of U. S. Senate vacancies.

Referred to Committee on Constitution and Elections.

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

#### MESSAGES FROM THE GOVERNOR

Office of the Governor, April 6, 1977.

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

LADIES AND GENTLEMEN:

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

Tommy W. Ambrose, appointed March 28, 1977, for a term ending July 1, 1981 succeeding Marvin Wilbur as a member of the Council on Postsecondary Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 7, 1977.

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Harvey D. Vernier, appointed March 28, 1977, for a term ending April 3, 1980 succeeding Jean H. Ludwick as a member of the State Board For Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 7, 1977.

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

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

John Whittaker, appointed March 28, 1977, for a term ending March 8, 1982 succeeding Rita Jean Butterworth as a member of the board of Trustees, Western Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

Mr. James Caley, appointed March 25, 1977, for a term ending April 3, 1981, succeeding Clarence Irwin as a member of the Clark Community College Board of Trustees, District No. 14.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

Fred C. Enlow, appointed March 28, 1977, for a term ending March 8, 1982, succeeding Merle Haffner as a member of the Board of Trustees, Eastern Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

Ms. Aurelia L. Del Fierro, appointed April 4, 1977, for a term ending April 3, 1982, succeeding Mrs. Vi Mar as a member of the Seattle Community College District No. 6.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

LADIES AND GENTLEMEN:

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

James Hogan, appointed March 28, 1977, for a term ending March 12, 1979, succeeding J. R. Gustafson as a member of the Board of Trustees, Central Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

LADIES AND GENTLEMEN:

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

James E. Minor, appointed March 28, 1977, for a term ending April 3, 1982, succeeding Guy D. Adams as a member of the Board of Trustees, Columbia Basin Community College, District No. 19.

Sincerely,  
DIXY LEE RAY  
Governor.

Office of the Governor, April 6, 1977.

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

LADIES AND GENTLEMEN:

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

Mr. F. Dan Bertrand, appointed April 4, 1977, for a term ending April 3, 1982, succeeding J. K. McArthur as a member of the Wenatchee Valley Community College District No. 15 Board of Trustees.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

LADIES AND GENTLEMEN:



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

Mrs. Yvonne C. Montchalin, appointed April 4, 1977, for a term ending April 3, 1982, succeeding Dianne E. Frichtl as a trustee to Community College District No. 14, Clark College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

Jerrold Manley, appointed March 28, 1977, for a term ending March 14, 1983, succeeding himself as a member of the Board of Trustees, Western Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

Helen N. Radke, appointed April 4, 1977, for a term ending April 3, 1981, succeeding herself as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 6, 1977.

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

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

D. Chakravarti, appointed March 28, 1977, for a term ending March 9, 1983, succeeding Michael Dederer as a member of the Board of Regents, Washington State University.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2241.

### SECOND READING

SENATE BILL NO. 2241, by Senators Day, von Reichbauer and Herr:  
Permitting use of Laetrile.

The Senate resumed consideration of Senate Bill No. 2241 as amended on April 6, 1977. At that time, an amendment by Senator North to page 1, line 11 through 16 striking all of section 2 had been moved for adoption.

There being no objection, on motion of Senator North, the amendment was withdrawn.

Senator North moved adoption of the following amendment by Senators North, Bottiger and Mardesich:

On page 1, line 10, after "patient" insert:

" : PROVIDED, That before prescribing or administering amygdalin, the physician shall obtain the signature of the patient on a form as prescribed by the Medical Disciplinary Board. This form shall include: (1) The derivation and character of the substance being administered or prescribed; (2) the recognized possible alternative forms of treatment; and (3) Any other material fact or facts the Medical Disciplinary Board feels would aid the patient in arriving at a reasoned determination as to the use of amygdalin."

### POINT OF INQUIRY

Senator Day: "Mr. President, will Senator North yield? Senator North, I notice that you are amending section 1, page 1, on line 10, which is the section that has to do with the hospital or health facility, not with the physician. Shouldn't this amendment properly be attached to the second section which deals with the responsibility of the physician?"

Senator North: "I believe, Senator Day, if you will look at the very last of section 1, the words where this amendment is to fit is discussing 'administered by a physician licensed pursuant to and requested by the patient,' so the words are fitting in right there with the physician and the patient, and you notice that the title of the act deals with the physician-patient relationship. So I would feel that this is proper because it is attached directly to the words 'physician' and 'patient' and dealing with the relationship between the two."

Senator Day: "Well, of course, I agree with what you said in substance in the answer, but I also would point out that it is in the wrong place because the first part of this bill in the first section says no hospital or health facility may interfere with a physician when he does certain things. The second part of it says no physician may be subject to disciplinary action, et cetera, and I believe that this should properly fall into that particular section.

Debate ensued.

On motion of Senator Bottiger, the following amendment to the amendment by Senators North, Bottiger and Mardesich was adopted:

Amend the amendment to page 1, line 10, as follows:

On the first line, strike " : PROVIDED, That before" and insert "NEW SECTION. Sec. 3. Before:"

### POINT OF INQUIRY

Senator Day: "Would Senator Bottiger yield? Senator Bottiger, if this passes now, what if the disciplinary board fails to provide the form, and there is no time

limit in here for such a form to be provided? Don't you think we should put something in here that would require that within ninety days after this becomes law that such a form be available to a physician who may wish to participate?"

Senator Bottiger: "Well, Senator Day, we presume that state government, state agencies will act as directed by the legislature and I can only assure you that the medical disciplinary board under the sunset law provision would be in trouble if they don't prescribe that form within the effective date of this act. If they don't, I would presume a mandamus action or something like that would compel them to, and I think you can give them the word, and I will be glad to sign the letter, that they had better."

Further debate ensued.

The motion by Senator North failed and the amendment, as amended, was not adopted on a rising vote.

Senator North moved the amendments to page 1, line 15 and page 1, line 16 adding a new paragraph be considered and adopted simultaneously.

On motion of Senator Day, the question was divided.

Senator North moved adoption of the following amendment by Senators North, Bottiger and Mardesich:

On page 1, following line 16 after the material added by the committee amendment, add a new paragraph as follows:

"It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct as defined in RCW 18.72.030."

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

Senator North moved adoption of the following amendment by Senators North, Bottiger and Mardesich:

On page 1, line 15, after "association" insert "solely"

Debate ensued.

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

On motion of Senator Day, Engrossed Senate Bill No. 2241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Newschwander: "Thank you, Mr. President, I wonder if Senator Benitz would yield to a question? Senator Benitz, in listening to debate, I am a little confused. It seems like we are almost on a religious crusade with the use of Laetrile, what I have heard. I understand you have had some personal experience at home in the use of Laetrile, and I wonder if you could give the knowledge that you have had to this body that might help in the final vote?"

Senator Benitz: "Yes, thank you, Senator Newschwander and members of the body. Perhaps that is one of the reasons it is scarce. As one who has fed thousands of hogs, I have had the opportunity to feed many hundreds of tons of apricot kernels. In all those years I have never had a single case of cancer in those hogs. It must speak quite well for the product."

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2241, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Francis, Gaspard, Grant, Guess, Hayner, Henry, Herr, Jones,

Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—36.

Voting nay: Senators Buffington, Goltz, Gould, Keefe, Newschwander, North, Scott, Sellar, Walgren—9.

Absent or not voting: Senator Matson—1.

Excused: Senators Donohue, Fleming, Odegaard—3.

ENGROSSED SENATE BILL NO. 2241, having received the constitutional 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 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 12:13 p.m.

#### NOON SESSION

The President called the Senate to order at 12:13 p.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2489.

#### SECOND READING

SENATE BILL NO. 2489, by Senators Washington and Sellar:

Increasing the limit above which a PUD must contract for equipment or supplies.

#### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2489 was substituted for Senate Bill No. 2489 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, Substitute Senate Bill No. 2489 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ANNOUNCEMENT BY THE PRESIDENT

President Cherberg advised the State Patrol ordered the Legislative Building cleared due to a bomb threat.

#### MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, April 8, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 8, 1977.

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, McDermott, Ridder and Scott. On motion of Senator Odegaard, Senators Fleming, Francis and Ridder were excused.

The Color Guard, consisting of Pages Matthew Lund and Renee Liscom, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, ON THIS SPECIAL HOLY DAY MAY WE NOT FORGET THE AGONY SUFFERED BY YOUR SON AT THE HANDS OF POLITICAL AND RELIGIOUS AUTHORITIES: HIS BETRAYAL, HIS LONELY VIGIL OF PRAYER, HIS FALSE TRIAL, HIS MOCKING AND SCOURGING, THE TORTURE OF THE CROSS. FOR THERE ARE TIMES WHEN WE ALSO EXPERIENCE BURDENS, PAINS, TEARS, AND HEARTACHE. WE ALSO NEED YOUR PRESENCE, YOUR COMFORT, YOUR GUIDANCE, YOUR WISDOM.

"UPHOLD US WITH THE HOPE OF THE RESURRECTION BEYOND THAT CROSS WHICH YOU HAVE ASKED US TO TAKE UP AND CARRY IN YOUR NAME. STRENGTHEN US WITH THE FAITH IN THEE AND IN OUR FELLOW HUMAN BEINGS THAT ENABLES US TO TRUST WHERE WE CANNOT KNOW. BUT ABOVE ALL, O GOD, GIVE US EACH DAY A CLEARER UNDERSTANDING OF THAT LOVE WHICH WE SAW SO CLEARLY IN CHRIST AS HE HUNG FROM THE CROSS AND PRAYED, 'FATHER, FORGIVE THEM FOR THEY KNOW NOT WHAT THEY DO.' 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 7, 1977.

SENATE BILL NO. 2002, prohibiting controlled substances in state penal institutions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 2140, prohibiting the misuse of personal information collected by government agencies (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2140 be substituted therefor and the substitute bill do pass.

Signed by: Senators Marsh, Vice Chairman; Bottiger, Buffington, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 4, 1977.

SENATE BILL NO. 2553, revising requirements for treatment of alcoholics in certain health care and insurance plans (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2553 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, North, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 2852, requiring statements on convicted persons for the board of prison terms and paroles (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 2926, permitting certain additional alternatives in sentencing criminals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 3004, adding three members to the judicial council (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 3027, authorizing juvenile authorities to require delinquent children to repair damage done (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3027 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 3048, making judgments effective for twelve years (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1977.

SUBSTITUTE HOUSE BILL NO. 153, revising the law on public works contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 7, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 225, granting resident status to immigrant refugees for college tuition (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules for second reading.

April 7, 1977.

ENGROSSED HOUSE BILL NO. 356, limiting the liability relative to unintentional injuries of public and private landowners when such lands are being used by the public for outdoor recreation (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 7, 1977.

HOUSE BILL NO. 444, increasing parents' liability for property damage caused by their children to \$3,000 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 7, 1977.

ENGROSSED HOUSE BILL NO. 506, permitting certain PUD's to have sewage districts without reference to a water system (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 7, 1977.

HOUSE BILL NO. 635, defining what persons are lawfully on the property of another for the purposes of determining liability for dog bites (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 8, 1977.

HOUSE BILL NO. 755, providing for tamperproof licenses and identicards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

April 7, 1977.

JAMES S. HOGAN, to the position of member of the Board of Trustees for Central Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 12, 1979, succeeding J. R. Gustafson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules.

April 7, 1977.

JERROLD W. MANLEY, to the position of member of the Board of Trustees for Western Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 14, 1983, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules.

### MOTION

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

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2489, by Committee on Local Government (originally sponsored by Senators Washington and Sellar):

Revising the procedures by which a PUD may contract for certain purchases.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2489.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2489, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Mardesich, McDermott, Scott—3.

Excused: Senators Fleming, Francis, Ridder—3.



SUBSTITUTE SENATE BILL NO. 2489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Jones, Senator Scott was excused.

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2111.

### SECOND READING

SENATE BILL NO. 2111, by Senators Talley, Henry, Lewis and Sellar:

Doubling the amount of reimbursement allowed from counties to the Washington state association of county officials.

The bill was read the second time by sections.

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

On page 1, after line 26, add a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 36.47 RCW a new section to read as follows:

It is the desire of the legislature that the Washington State Association of County Officials, as set forth in chapter 36.47 RCW and the Washington State Association of Counties, as set forth in RCW 36.32.350, shall merge into one association of elected county officers. Only one association shall carry out the duties imposed by RCW 36.32.335 through 36.32.360 and RCW 36.47.020 through 36.47.060.

The two organizations shall report to the legislature by January 1, 1978 on the details of this merger."

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

On page 1, line 3 of the title, after "RCW 36.47.040" add "; and adding a new section to chapter 36.47 RCW"

On motion of Senator Wilson, Engrossed Senate Bill No. 2111 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 Wilson yield to a question? Senator Wilson, what is the total amount, then, that we will be spending for purposes of this combined association?"

Senator Wilson: "If all the boards of commissioners in the county council of all of the thirty-nine counties approve the full amount, it would come to about a hundred and twenty thousand dollars, of which approximately half will be needed to sustain the prosecutor's operation when the federal funding expires."

Senator Rasmussen: "And in the event that the federal funding does not expire, the LEAA funds, will they be on top of this amount, or will they not collect that difference?"

Senator Wilson: "Senator, while I am not the board of directors of the elected officials association, I think I can respond to that by saying that I think all of us recognize that Lyle Watson is an honorable person, that if somehow a sixty thousand dollar windfall comes from the federal government to continue the prosecutor's operation, it would be my feeling that the association would not ask for that amount."

Senator Rasmussen: "It is not the intent that they spend both amounts, then?"  
 Senator Wilson: "That is correct."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2111, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—42.

Voting nay: Senators Bottiger, Goltz, Wilson, Woody—4.

Excused: Senators Francis, Ridder, Scott—3.

ENGROSSED SENATE BILL NO. 2111, having received the constitutional majority, was declared passed. 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. 2160.

#### SECOND READING

SENATE BILL NO. 2160, by Senators McDermott, Gould, Francis and Hayner (by Superintendent of Public Instruction request):

Authorizing certain contracts for school districts and educational service districts.

The bill was read the second time by sections.

On motion of Senator Bluechel, the following amendments by Senators Bluechel, Guess, Henry, Woody and McDermott were considered and adopted simultaneously:

On page 1, line 11, before "years" strike "three" and insert "five"

On page 2, line 2, before "years" strike "three" and insert "five"

On motion of Senator McDermott, Engrossed Senate Bill No. 2160 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator McDermott yield to a question? Senator McDermott, in one of the school districts that I represent, we have a little trouble passing bond issues, and we have looked at the possibility of renting church buildings, granges, things of this nature, but they have to be brought up to code. Could we use this bill and sign a five year lease to amortize the remodeling costs that might be required to bring them up to school codes?"

Senator McDermott: "It would be my opinion from what I understand about the bill, it would give you that kind of flexibility."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2160, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Francis, Scott—2.

ENGROSSED SENATE BILL NO. 2160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2323, by Senators Bluechel, Francis and Talley:  
Authorizing courts to grant grandparents visitation rights.

## REPORT OF STANDING COMMITTEE

March 7, 1977:

SENATE BILL NO. 2323, authorizing courts to grant grandparents visitation rights (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1 add a new section following section 1 to read as follows:

"Sec. 2. Section 18, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.180 are each amended to read as follows:

(1) A child custody proceeding is commenced in the superior court:

(a) By a parent:

(i) By filing a petition for dissolution of marriage, legal separation or declaration of invalidity; or

(ii) By filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or

(b) By a person other than a parent, including any grandparent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties."

In line 1 of the title after the semicolon insert "amending section 18, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.180;"

Signed by: Senators Marsh, Vice Chairman; Buffington, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

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

Senator Rasmussen moved adoption of the following amendment:

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 26.32 RCW a new section to read as follows:

If a decree of adoption is for the adoption of a child of a previous marriage of the petitioner's spouse, the decree shall become null and void if the marriage is dissolved and the natural parent marries another person within one year of the entry of the adoption decree, and the decree shall so state. The occurrence of such an event

shall relieve the petitioner of all liability for support of the child under chapter 26.09 RCW.

NEW SECTION. Sec. 3. The provisions of section 2 of this 1977 amendatory act are procedural and remedial in nature and shall be retroactive to January 1, 1977."

#### POINT OF ORDER

Senator Bluechel: "Mr. President, I would raise the question of scope and object on this amendment. Mr. President, the bill itself deals with grandparent rights in the case of dissolution or divorce in marriage, and this particular amendment deals with adoption, and I think the two are not compatible in this bill."

Debate ensued.

#### POINT OF INFORMATION

Senator Pullen: "Mr. President, a point of inquiry. The last line of the amendment that was read was, 'retroactive to January 1, 1977,' but I see a new section 2 proposed, and a new section 3, and I did not hear that those amendments were being considered as one. My inquiry is relative to which amendment we are considering."

#### MOTION

On motion of Senator Rasmussen, Senate Bill No. 2323, as amended, together with the amendment moved for adoption by Senator Rasmussen, the Point of Order by Senator Bluechel on the amendment by Senator Rasmussen and the Point of Information by Senator Pullen, was ordered held on the second reading calendar for April 11, 1977.

#### SECOND READING

SENATE BILL NO. 2747, by Senators Rasmussen, Donohue and Buffington: Providing for disposal of surplus property.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Senate Bill No. 2747 was advanced to third reading, the second 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. 2747, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Gaspard, Mardesich—2.

Excused: Senators Francis, Scott—2.

SENATE BILL NO. 2747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:40 a.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

## NOON SESSION

The President called the Senate to order at 12:10 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2042.

## SECOND READING

SENATE BILL NO. 2042, by Senators Talley, Beck, Peterson, Murray, Sellar and Bottiger:

Changing the requirements for a pilot's license.

The bill was read the second time by sections.

On motion of Senator Henry, the following amendment by Senators Walgren, Bluechel, Bottiger, Wanamaker, Henry and Talley was adopted:

On page 1, on line 4, strike all matter after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 88.16 RCW a new section to read as follows:

The legislature finds and declares that it is the policy of the state of Washington to prevent the loss of human lives, loss of property and vessels, and to protect the marine environment of the state of Washington through the sound application of compulsory pilotage provisions in certain of the state waters.

The legislature further finds and declares that it is a policy of the state of Washington to have pilots experienced in the handling of vessels aboard vessels in certain of the state waters with prescribed qualifications and licenses issued by the state.

It is the intent of the legislature to ensure against the loss of lives, loss or damage to property and vessels, and to protect the marine environment through the establishment of a board of pilotage commissioners representing the interests of the people of the state of Washington.

It is the further intent of the legislature not to place in jeopardy Washington's position as an able competitor for waterborne commerce from other ports and nations of the world, but rather to continue to develop and encourage such commerce.

Sec. 2. Section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of ~~((the director of labor and industries of the state of Washington, ex officio, who shall be chairman of the board, and of four))~~ six members appointed by the governor and confirmed by the senate, and the secretary of the state department of transportation or the secretary's designee, or if there be no secretary of transportation, then the director of the department of labor and industries, who shall be chairperson. Each of said appointed members shall be appointed for a term of four years from the date of ~~((his))~~ said member's commission. No person shall be eligible for appointment to said board unless ~~((he))~~ such person be at the time of ~~((his))~~ appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be

a pilot(s) licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of ((their)) appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation ((or)) and management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of ((their)) appointment. One of said ((shipping men)) commissioners shall be a representative of American and one of them for foreign shipping. The remaining appointed commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on the effective date of this 1977 amendatory act shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, ((and)) except that the governor when first appointing commissioners after the effective date of this 1977 amendatory act shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointive position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum and five votes for or against any measure shall be needed to transact business. All commissioners and the chairperson shall have a vote.

Sec. 3. Section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020 are each amended to read as follows:

The office of the department of ((labor and industries)) transportation, or if there be no department of transportation, the office of the department of labor and industries of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner shall receive the sum of ((twenty-five)) forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board.

NEW SECTION. Sec. 4. There is added to chapter 88.16 RCW a new section to read as follows:

The board of pilotage commissioners shall:

(1) Adopt rules, pursuant to chapter 34.04 RCW as now existing or hereafter amended, necessary for the enforcement and administration of this chapter. Rules in effect on the effective date of this 1977 amendatory act with the exception of those rules pertaining to pilot qualifications shall remain in force and effect until amended, repealed, or replaced by the board, except that such rules as are inconsistent with the provisions of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this 1977 amendatory act are hereby repealed;

(2) License pilot applicants meeting the qualifications and passing the examination as provided for in RCW 88.16.090 as now or hereafter amended and to establish additional training requirements as required to maintain a competent pilotage service;

(3) Maintain a register of pilots, records of pilot accidents and other history pertinent to pilotage, along with a roster of vessels, agents, owners, operators, and masters necessary for the maintenance of a roster of persons interested in and concerned with pilotage and maritime safety;

(4) To annually fix the pilotage tariffs for pilotage services performed aboard vessels as required by this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board;

(5) To file annually with the governor, the secretary of the senate, and the chief clerk of the house of representatives a report which includes, but is not limited to, the following: The number, names, addresses, ages, pilot license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings of individual pilots before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of accidents, groundings, mishaps, or other incidents which are reported to or investigated by the board, including the vessel name, location of incident, pilot's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the disposition and listing of all complaints filed by any person against any pilot or by any pilot against any other person or organization; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.170 through 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(6) Publish a manual which includes the pilotage act and other statutes of Washington state and the federal government which affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters. Such manual shall be distributed without cost to all pilots and governmental agencies upon request. All other copies shall be sold for a five dollar fee with proceeds to be credited to the pilotage account;

(7) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

Sec. 5. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter ((applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are)) shall apply to the pilotage districts of this state as hereinafter defined:

(1) "Puget Sound (~~and adjacent inland waters~~) pilotage district", whenever used in this chapter, shall be construed to mean and include all the (~~inland~~) waters of the state of Washington inside the international boundary line between the state of Washington (~~and British Columbia but excluding that portion of the Straits of Juan de Fuca west of Port Angeles~~), the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) "Grays Harbor and Willapa Bay pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 6. Section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070 are each amended to read as follows:

All vessels under enrollment and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. Every vessel not so exempt, shall while navigating the Puget Sound and (~~adjacent inland waters~~) Grays Harbor and Willapa Bay pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter: PROVIDED, That (~~the Washington pilotage commission, immediately after May 21, 1971, shall conduct a study of the need to require employment of pilots licensed under the provisions of this chapter on all vessels entering into Puget Sound and adjacent inland waters, together with an assessment of the legality and feasibility of such requirement. The commission shall report the results of such study together with recommended legislative action to the next session of the legislature~~) any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the Western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 7. Section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090 are each amended to read as follows:

(1) No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless (~~he~~) such a person be appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.



(2) No person shall be eligible to be appointed a pilot unless ((he)) such a person is a citizen of the United States, over the age of twenty-five years and ((has been)) a resident of the state of Washington ((for at least three years immediately prior to)) at the time of ((his)) appointment, ((has a practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he desires to be licensed, is of good moral character, temperate in his habits, possesses the skill and ability necessary to discharge the duties of pilot,)) nor unless ((he)) the pilot applicant holds a ((first class)) United States government masters license and a first class United States endorsement without restrictions on that license to pilot ((on Puget Sound and adjacent inland waters, or Grays Harbor and Willapa Bay;)) in whichever ((of these waters)) pilotage districts for which ((he)) the pilot applicant desires to be licensed.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee of ((one)) two hundred fifty dollars to be placed in the state treasury to the credit of the pilotage account.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after the effective date of this 1977 amendatory act, the board shall have developed five examinations and grading sheets for the testing and grading of pilot applicants. The five examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot member of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same per diem costs and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination shall be guilty of a gross misdemeanor.

(6) Pilot applicants shall be subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

Sec. 8. Section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall fail to inform the pilot dispatcher, or any dispatcher who shall fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 9. There is added to chapter 88.16 RCW a new section to read as follows:

The board shall quarterly review the dispatch records of pilot organizations to ensure pilots receive an adequate period of rest between assignments. A pilot shall refuse a pilotage assignment if said pilot is physically or mentally fatigued or if said pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 as now or hereafter amended. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW to ensure an adequate period of rest.

NEW SECTION. Sec. 10. There is added to chapter 88.16 RCW a new section to read as follows:

The board shall prescribe, pursuant to chapter 34.04 RCW, rules governing the size of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state. Such rules shall be only for the first two year period in which pilots are actually employed.

NEW SECTION. Sec. 11. There is added to chapter 88.16 RCW a new section to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify on a form prescribed by the board of pilotage commissioners that the vessel complies with:

(a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and

(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which certify and indicate that the vessel complies with subsection (1) of this section and the rules of the board promulgated pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) After the board has prescribed the form required under subsection (1) of this section, no Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Disembark from the vessel as soon as practicable; and

(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and

(c) Forward a written report to the board no later than twenty-four hours after disembarking from the vessel.

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.04 and 42.30 RCW.

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.04 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

Sec. 12. Section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100 are each amended to read as follows:

The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to suspend, withhold or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. When the board determines that reasonable cause exists (~~for the conduct of a hearing on the issue of the suspension, withholding or revocation of a pilot license~~) to suspend, revoke, or withhold any pilot's license it shall forthwith prepare and personally serve (a copy of a notice of hearing upon the pilot in question who shall be required to appear and answer the same within ten days from date of service and shall be entitled to a full hearing thereof before the board and to be represented by counsel and to subpoena witnesses. The decision of the board must be in writing and entered of record upon the minutes of the board) upon such pilot a notice advising him of the board's intended

action, the specific grounds therefore, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before a hearing officer on the issue of suspension, revocation, or withholding of his pilot's license. The board's proposed suspension, revocation, or withholding of a license shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall appoint a hearing officer who shall be an active member of the Washington state bar association and, in the opinion of the board, has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of chapter 34.04 RCW. All final decisions of the ((board)) hearing officer shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the ((chairman of the board)) hearing officer if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action.

Sec. 13. Section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished ((by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty days nor more than six months, or both)) pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 14. Section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates payable under the provisions of this chapter. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be ((guilty of a misdemeanor, and upon conviction thereof such master or owner shall be punished by a fine of not less than one hundred fifty dollars nor more than five hundred dollars)) punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine and the costs of his prosecution are paid.

NEW SECTION. Sec. 15. There is added to chapter 88.16 RCW a new section to read as follows:

Any pilot licensed pursuant to this chapter may appear or testify before the legislature or board of pilotage commissioners and no person shall place any sanction against said pilot for having testified or appeared.

NEW SECTION. Sec. 16. Section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030 are each hereby repealed.

**NEW SECTION.** Sec. 17. If any provision of this 1977 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. 18. This 1977 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 motion of Senator Henry, the following amendment by Senators Walgren, Bluechel, Bottiger, Wanamaker, Henry and Talley to the title was adopted:

On page 1, on line 1 of the title, after "pilotage;" strike the remainder of the title and insert "amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020; amending section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070; amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090; amending section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150; amending section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100; amending section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120; amending section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130; adding new sections to chapter 88.16 RCW; repealing section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; prescribing penalties; and declaring an emergency."

### MOTIONS

On motion of Senator Jones, Senator Benitz was excused.

On motion of Senator Henry, Engrossed Senate Bill No. 2042 was advanced to third reading, the second 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. 2042, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Benitz, Francis—2.

**ENGROSSED SENATE BILL NO. 2042**, having received the constitutional 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 12:25 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, April 11, 1977.

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

## THIRTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 11, 1977.

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 Francis, Scott and Woody. On motion of Senator Jones, Senator Scott was excused. On motion of Senator Odegaard, Senators Francis and Woody were excused.

The Color Guard, consisting of Pages Brooke Fritz and Debbie Kurfurst, presented the Colors. Reverend Frank L. Accardy, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

"O LORD, BY THE MOUTH OF YOUR SERVANT, MOSES, YOU EMPHATICALLY DECLARED, 'YOU SHALL NOT LIE WITH A MALE AS ONE LIES WITH A FEMALE; IT IS AN ABOMINATION.' THERE ARE THOSE WHO WOULD IMPROVE UPON YOUR WORDS. THEY SAY IT IS A MATTER OF COMMON SENSE. BUT THEIR SO-CALLED COMMON SENSE IS BUT UNCOMMON NONSENSE IN YOUR SIGHT. MAY IT NOT BE WRITTEN OVER THIS DISTINGUISHED CHAMBER, 'PROFESSING THEMSELVES TO BE WISE THEY BECAME FOOLS, BECAUSE THEY EXCHANGED THE TRUTH OF GOD FOR A LIE.' LET THOSE OF SOBER MIND AND MORAL COURAGE PREVAIL. THIS I PRAY IN JESUS' 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 6, 1977.

SENATE BILL NO. 2203, authorizing general obligation bonds for outdoor recreation purposes and requiring approval of the people (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2203 be substituted therefor and the substitute bill do pass and be referred to Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Odegaard, Scott.

Referred to Committee on Ways and Means.

April 8, 1977.

SENATE BILL NO. 2512, giving preference to the acquisition of historic landmarks for public needs (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 3009, authorizing parks and recreation districts to issue interest bearing warrants (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

Passed to Committee on Rules for second reading.

April 6, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161, liberalizing the mutual savings bank law (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones.

Passed to Committee on Rules for second reading.

### MOTION

At 11:10 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

### NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:25 p.m.

### MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3019.

### SECOND READING

SENATE BILL NO. 3019, by Senators Odegaard, Donohue, Jones, Fleming, McDermott, Walgren and Ridder:

Making an appropriation to the superintendent of public instruction for disbursement to certain school districts.

The bill was read the second time by sections.

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

On page 1, line 7, after "April" strike "15" and insert "30"

On motion of Senator Odegaard, Engrossed Senate Bill No. 3019 was advanced to third reading, the second 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. 3019, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senator Newschwander—1.



Absent or not voting: Senators Mardesich, Sandison, Walgren—3.

Excused: Senators Francis, Scott, Woody—3.

ENGROSSED SENATE BILL NO. 3019, having received the constitutional 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 12:32 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2323.

#### SECOND READING

SENATE BILL NO. 2323, by Senators Bluechel, Francis and Talley:

Authorizing courts to grant grandparents visitation right.

The Senate resumed consideration of Senate Bill No. 2323. On April 8, 1977, the committee amendment was adopted. At that time, Senator Rasmussen moved adoption of the following amendment and Senator Bluechel raised a Point of Order on the following amendment:

On page 1, after line 16, insert the following:

"NEW SECTION, Sec. 2. There is added to chapter 26.32 RCW a new section to read as follows:

If a decree of adoption is for the adoption of a child of a previous marriage of the petitioner's spouse, the decree shall become null and void if the marriage is dissolved and the natural parent marries another person within one year of the entry of the adoption decree, and the decree shall so state. The occurrence of such an event shall relieve the petitioner of all liability for support of the child under chapter 26.09 RCW.

NEW SECTION, Sec. 3. The provisions of section 2 of this 1977 amendatory act are procedural and remedial in nature and shall be retroactive to January 1, 1977."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Bluechel has raised a point of order on the amendment as presented by Senator Rasmussen. Senator Rasmussen is not on the floor. While I may be entirely in sympathy with his position, the amendment very clearly is beyond the scope and object of the original bill which deals with visitation rights of grandfathers, grandmothers, and if Senator Rasmussen will prepare another bill to a title only, I would be glad to join him within the object of the amendment that he has—."

The amendment by Senator Rasmussen was ruled out of order.

#### MOTIONS

On motion of Senator Jones, Senator Cunningham was excused.

On motion of Senator Odegaard, Senators Donohue, Mardesich and Walgren were excused.

On motion of Senator Marsh, the following committee amendment to the title was adopted:

In line 1 of the title, after the semicolon, insert "amending section 18, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.180;"

On motion of Senator Bluechel, Engrossed Senate Bill No. 2323 was advanced to third reading, the second 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. 2323, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—37.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Bottiger, Gaspard, Grant, Hayner, von Reichbauer—5.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Walgren, Woody—6.

ENGROSSED SENATE BILL NO. 2323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2217.

#### SECOND READING

SENATE BILL NO. 2217, by Senators Day, Sellar and Washington:

Authorizing travel and living expenses for candidates for administrative positions in public hospital districts.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2217 was advanced to third reading, the second 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. 2217, and the bill passed the Senate by the following vote: Yeas, 29; nays, 8; absent or not voting, 6; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sellar, Talley, Wanamaker, Washington—29.

Voting nay: Senators McDermott, Monohon, Newschwander, Rasmussen, Scott, Van Hollebeke, Wilson, Wojahn—8.

Absent or not voting: Senators Bottiger, Gaspard, Grant, Hayner, Sandison, von Reichbauer—6.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Walgren, Woody—6.

SENATE BILL NO. 2217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Gubernatorial Appointment No. 67.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Day, the appointment of MRS. GERTRUDE H. REAVIS as a member of the State Board of Pharmacy was confirmed.

#### APPOINTMENT OF MRS. GERTRUDE H. REAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent or not voting, 7; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Bottiger, Gaspard, Grant, Hayner, Sandison, Van Hollebeke, von Reichbauer—7.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Walgren, Woody—6.

#### MOTIONS

On motion of Senator Odegaard, Senator Grant was excused.

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Marsh, the Senate commenced consideration of Gubernatorial Appointment No. 69.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Beck, the appointment of ALFRED HARSCH as a member of the Public Disclosure Commission was confirmed.

#### APPOINTMENT OF ALFRED HARSCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senator Hayner—1.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Odegaard, the appointment of DANIEL V. CARBONE as a member of the Board of Trustees of Seattle Community College, District No. 6, was confirmed.

#### APPOINTMENT OF DANIEL V. CARBONE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senators Bausch, Hayner—2.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Day, the appointment of GEORGE L. BRADLEY as a member of the State Board of Pharmacy was confirmed.

#### APPOINTMENT OF GEORGE L. BRADLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senator Ridder—1.

Absent or not voting: Senator Bausch—1.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Odegaard, the appointment of ARTHUR SIEGAL as a member of the Board of Trustees of Seattle Community College, District No. 6, was confirmed.

#### APPOINTMENT OF ARTHUR SIEGAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar,

Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Odegaard, the appointment of GLENN CORREA as a member of the Board of Tax Appeals was confirmed.

#### APPOINTMENT OF GLENN CORREA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senators Bausch, Grant—2.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Day, the appointment of FATHER MATTHEW NAUMES as a member of the Board of Prison Terms and Paroles was confirmed.

#### APPOINTMENT OF FATHER MATTHEW NAUMES

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

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Odegaard, the appointment of MRS. BENAY NORDBY as a member of the Board of Trustees, Green River Community College, District No. 10, was confirmed.

#### APPOINTMENT OF MRS. BENAY NORDBY

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

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison,

Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

On motion of Senator Day, the appointment of FATHER MATTHEW NAUMES as a member of the Board of Prison Terms and Paroles was confirmed.

#### APPOINTMENT OF FATHER MATTHEW NAUMES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Bottiger, Fleming, Goltz, Ridder—4.

Excused: Senators Cunningham, Donohue, Francis, Mardesich, Matson, Woody—6.

#### MOTION

At 2:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 12, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-THIRD

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 12, 1977.

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 Woody. On motion of Senator Odegaard, Senator Woody was excused.

The Color Guard, consisting of Pages Kelly Crim and Ryan Gober, presented the Colors. Reverend Frank L. Accardy, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

"LORD, IT HAS BEEN NINETY-TWO LONG DAYS AND WE BEGIN OUR NINETY-THIRD TODAY AND QUITE FRANKLY WE ARE SUFFERING FROM MENTAL CONSTIPATION. THE BORING TEDIUM OF HAMMERING OUT A BUDGET, AND THE BRAIN SPLITTING AGONY OF DEFINING TERMS HAS LEFT US ALL BOUND UP. WE CONSIDER THIS OPENING PRAYER MORE THAN A PERFUNCTORY RITUAL AND HONESTLY SEEK YOUR DIVINE GUIDANCE. LOOSEN US UP. AND MAKE TODAY ESPECIALLY PRODUCTIVE. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 30, 1977.

SENATE BILL NO. 2072, deleting certain prohibitions against marriages (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2072 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, Herr, Monohon, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 2239, requiring hospitals to permit licensed podiatrists to use their facilities subject to regulation by medical and podiatric staff (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2239 be substituted therefor and the substitute bill do pass.

Signed by: Senator Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, Herr, Wojahn.

Passed to Committee on Rules for second reading.

### REPORT OF STANDING COMMITTEE

April 7, 1977.

SENATE BILL NO. 2638, relating to on-site sewage systems (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2638 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE GOVERNOR

Office of the Governor, April 11, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 11, 1977, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 2251, removing minimum wage restrictions on seasonable employees at agricultural fairs.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

#### GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 11, 1977.

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

LADIES AND GENTLEMEN:

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

Barbara Nelson, appointed April 4, 1977, for a term ending January 18, 1980, succeeding Kathryn L. Osborne as a member of the State Board of Pharmacy.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, April 11, 1977.

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

LADIES AND GENTLEMEN:

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

Don Broughton, appointed March 28, 1977, for a term ending March 9, 1981, succeeding Catherine Hunter as a member of the Board of Trustees, Central Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 11, 1977.

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

LADIES AND GENTLEMEN:

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



Robert J. Flowers, appointed April 4, 1977, for a term ending March 14, 1983, succeeding Tom Dixon as a member of the Board of Trustees, Evergreen State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 11, 1977.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Norman R. Miller, appointed March 28, 1977, for a term ending April 2, 1981, succeeding C. J. Mitchell as a member of the Board of Trustees, Columbia Basin Community College, District No. 19.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 11, 1977.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Mrs. Ina V. Knutsen, appointed April 4, 1977, for a term ending April 3, 1980, succeeding John B. Hughes as a member of the Board of Trustees of Shoreline Community College, District No. 7.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

#### MOTION

At 10:12 a.m., on motion of Senator Marsh, the Senate recessed until 11:55 a.m.

#### NOON SESSION

The President called the Senate to order at 11:55 a.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2297.

#### SECOND READING

SENATE BILL NO. 2297, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Allowing electronic recordings of superior court trials.

## REPORT OF STANDING COMMITTEE

March 16, 1977.

SENATE BILL NO. 2297, allowing electronic recordings of superior court trials (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "through" and before the comma strike "2.32.320" and insert "2.32.310"

On page 1, line 26, after "record" and before "and shall" insert "of that portion of the proceeding which has been electronically recorded"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted.

Senator Francis moved adoption of the following amendment by Senators Francis and Marsh:

On page 1, line 18, after "equipment," strike "if either party to the suit or action, or his attorney, requests an electronic court recording of the proceedings," and insert "it may be used only if both or all parties to the suit or action, or the attorneys for both or all parties, request an electronic court recording of the proceedings,"

Debate ensued.

## POINT OF INQUIRY

Senator Washington: "Senator Francis, would you yield, please? What advantage would it be in the trial of a case for the counsel and parties on both sides to agree to electronic transcripts? At the present time there is a salaried court reporter, of course, who charges for the pages that he transcribes, so why would the parties agree to electronic transcripts?"

Senator Francis: "Senator Washington, I guess I would say why would they not agree. What reason is there not to go ahead and try it? I suppose that the same question would be asked, why would somebody waive a jury, or why would somebody go along with some other new process? It seems to me that there may be some advantage to the fact that on an appeal, as Senator Clarke has said, you could let the appellate court listen to the voice inflections and so forth, and I think most of the time these things are going to be transcribed and typed up anyway, but it may be that you are going to want to preserve your record on appeal including the voices of the people, and you think that is important enough that you want to go with an electronically recorded trial.

"It may be that the next step is going to be that we are going to video tape them too so that you can see what is going on, see the faces and the demeanor of the witnesses, and so forth. It seems to me we are starting down a road that might be a very, very good one for all concerned."

Further debate ensued.

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

On motion of Senator Francis, the following amendment by Senators Francis and Marsh was adopted:

On page 1, line 20, after "request." strike the following sentence, beginning with "The judge may," and ending on line 25 with the words "jury instructions"

Senator Goltz moved adoption of the following amendment:

On page 1, line 17, after "recorded" insert ": PROVIDED, That whenever such equipment is approved, it shall be installed in duplicate to reduce chances of an incomplete recording being taken"

Debate ensued.

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

Senator Buffington moved adoption of the following amendment by Senators Buffington and Mardesich:

On page 1, after line 27 add a new paragraph as follows:

"In no event shall a magnetic tape containing a record of court proceedings be altered, erased, spliced or tampered with during the preservation time period determined pursuant to section 4 of this 1977 act."

On motion of Senator Guess, the following amendment to the amendment by Senators Buffington and Mardesich was adopted:

On line 3 of the amendment to page 1, after line 27, strike "preservation"

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

Senator Marsh moved adoption of the following amendment:

On page 2, following line 14, insert a new paragraph to read as follows:

"During court recess periods, the lunch hour, and after adjournment of court, the qualified person having operated the equipment shall test the recording made during the preceding court period to ascertain whether the equipment was in proper working condition and shall call to the judge's attention any malfunctioning of the equipment which took place immediately preceding such recess, lunch period, or adjournment."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, would it be your intention that the complete proceedings of the morning court would be checked to see that it was there, or how would he check?"

Senator Marsh: "I believe that the tape can be speeded up and you can catch whether or not it is blank in any particular portion. I have been to various conferences where they will transcribe an entire proceeding and then check the tape made of that proceeding in a matter of minutes. I think it is electronically possible to do that in a matter of minutes. A qualified operator can do it, and I don't think they would have to listen the entire hour or whatever it might be that they are checking."

Senator Rasmussen: "A further question, Senator Marsh. Does the court allow the attorneys to bring their own tape recorders?"

Senator Marsh: "Right now that is in the discretion of the court."

#### REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, members of the Senate, by the way in reply to that last thing, the most recent trial that I had which was two weeks long, in December, my clients brought a tape recorder, and were taping it for about the first four days, and then the judge noticed what they were doing and just about had a fit because he said, 'You know that you can't do that,' and I certainly didn't know it, and I know that they didn't know it, but they didn't tape anything after that. I can't for the life of me figure out what was wrong with taping what is going on, especially if it was so unobtrusive that the judge didn't notice it for the first four days of the trial."

Debate ensued.

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

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

On page 2, line 22, after "civil cases and" insert "/or"

On motion of Senator Francis, Engrossed Senate Bill No. 2297 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 Herr: "Would Senator Clarke yield to a question? Well, if, Senator Clarke, I understood your arguments against the bill, and they are very convincing, you say that the judicial council and all these people would be opposed to the bill in this present form?"

Senator Clarke: "It is my belief that they would consider it ineffective in its present form. I cannot, of course, speak for the judicial council. I can speak only for myself as a member."

Senator Herr: "Thank you."

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Francis yield? Senator, my question pertains to the ownership of the tapes under the bill as it is presently written, and I am asking the question, I guess, on behalf of the media and the newspapers of this state. Quite often a reporter who is trying to cover a trial accurately, and there will be a very key statement by a witness that the reporter wants to get in complete accuracy, and he is not certain of his own notes. Now, under present procedures unless the proceedings are transcribed, or unless the reporter can make an informal understanding with the court reporter to verify the accuracy of his quotation, he often has a problem. My question is, if tapes are used in certain proceedings, open proceedings, under terms of the act as it is now written, would a newspaper reporter have access to a portion of the tape so that he could verify the accuracy of something that a witness said?"

Senator Francis: "Thank you, Mr. President. Senator Wilson, two things. First of all, section 5 basically speaks to the process of transcription. For the most part, I would think that journalists would be interested in the same things that they are now, and that would be a transcribed version. In other words, what they would want is to be able to read what was said because you can go through that a lot faster than having to listen to a tape, and you can make your markings and so forth. It would seem to me that these provisions are adequate for requiring that a transcription or a typed version of the electronically recorded proceedings would be made available.

"In addition to that, it would seem to me that there is nothing in Senator Buffington's amendment or anywhere else in the bill that would prevent duplications being made of the transcript itself, that is, of the tape. The tape itself, the original, would have to be controlled and under the possession of the clerk's office, and they would be responsible for its safekeeping, but I see no basis for objecting to duplicates being made so that the voices themselves could be heard later and even played on the radio or the television."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2297, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Buffington, Donohue, Fleming, Francis, Gaspard, Gould, Marsh, Monohon, Murray, Pullen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—21.

Voting nay: Senators Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Goltz, Grant, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Matson,

McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Sellar, Talley, Wanamaker—26.

Absent or not voting: Senator Henry—1.

Excused: Senator Woody—1.

ENGROSSED SENATE BILL NO. 2297, 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. 2297 failed to pass the Senate.

#### MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, Senator Donohue was excused.

#### MOTION

Senator Marsh moved the Senate commence consideration of Senate Bill No. 3098.

#### MOTION

On motion of Senator Grant, Senate Bill No. 3098 will be considered following Senate Bill No. 2332.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2472.

#### SECOND READING

SENATE BILL NO. 2472, by Senators Bottiger, Guess and Bausch:  
Changing the law on recreational vehicles.

#### REPORT OF STANDING COMMITTEE

February 24, 1977.

SENATE BILL NO. 2472, changing the law on recreational vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 13, beginning on line 19, after "one" strike "and one-third"

On page 15, line 33, after "other" and before "agencies" insert "federal, state and local"

On page 16, beginning on line 6, strike all of the material down to and including the period on line 11

On page 16, beginning on line 15, strike all of the material down to and including the period on line 20 and insert:

"Between June 30, 1977, and June 30, 1979, the interagency committee for outdoor recreation shall develop or cause to be developed a state-wide ORV plan

which shall determine and reflect user densities and preferences and suitability and availability of designated ORV trails and areas within the state. The plan shall be maintained on a continuing basis with the plan document updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of nonhighway vehicle funds."

On page 17, beginning on line 4, strike all of section 21 and renumber the remaining sections accordingly

On page 17, line 33, after "~~terrain~~)" and before "vehicle" strike "nonhighway" and insert "ORV"

On page 19, line 1, after "to the" and before "the" strike "department of motor vehicles" and insert "interagency committee for outdoor recreation"

On page 19, line 2, after "hundred" and before "thousand" insert "fifty"

On page 19, line 4, after "section" and before "of" strike "21" and insert "18"

On page 2, line 8 of the title, after "RCW;" and before "repealing" strike "creating a new section;"

Signed by: Senators Henry, Chairman; Guess, Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

Senator Mardesich moved adoption of the following amendments:

On page 2, line 24, after "~~cross-country~~)" insert "recreation"

On page 2, line 25; after "or for" insert "recreation"

Debate ensued.

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

Senator Mardesich moved adoption of the following amendment:

On page 4, line 1, after "vehicles" insert "when used on ORV trails"

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Bottiger yield to a question? Senator Bottiger, in view of the language on the bottom of page 3 and top of page 4—how would you make it clear that while those vehicles are on highways and roads, other than ORV trails, that they would pay the same tax and that tax would go into the regular fund rather than into the ORV fund?"

Senator Bottiger: "Senator Mardesich, all of the money—there is no refund for these people from their motor vehicle gas tax, so when they bought it they paid the tax. We have no refund provision like we would on a boat. What happens is the money goes into the gasoline tax account and by prior legislation established, I think six or seven years ago, one percent of that amount is set aside for this purpose, but what you are doing here is, you would be saying that if you go on the ORV trail, that counts against the fund but if you go off the trail, then that money doesn't go into the fund which we use to build the trails to keep them off the non-trail land."

Senator Mardesich: "What if we had a vehicle that spent five percent of its time, or less, on an ORV trail and the rest of the time on the highways, would all of the funds then go into the ORV fund?"

Senator Bottiger: "No. None of the funds would go into the ORV fund. One percent of the gas tax goes into the ORV fund, namely because the legislature says it shall. There is no division. When you buy gas at the gas station, you have a four wheel drive Jeep, that gas tax goes into the same fund as if I pull up behind you in my car. We have had some surveys or some studies made of what percentages of the gasoline tax is not used on tax supported roads, and those surveys—another one is actually called for in this bill to update it—those surveys determine that one percent. In fact, the survey said four percent should.

"In theory the legislature could take all of the gas tax money and apply it on a road whether it is ORV road or not. Now that will never happen, as I am sure you

are well aware. The present law says that one percent of the total gas tax collection goes into this ORV fund. This bill does not change that in any way."

There being no objection, on motion of Senator Mardesich the amendment was withdrawn.

#### POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Bottiger yield? Senator Bottiger, on line 23, page 2, which is in the first section there, you find a repetition of the words 'non-highway vehicle.' We remove the appellation on page 17 down at the bottom of the page, and we change the 'non-highway' to 'ORV' vehicle. To be consistent, should not that word 'non-highway' be changed?"

Senator Bottiger: "Senator Guess, on line 13, we again define ORV to mean a non-highway vehicle, so you could do it. I see your point, but I think we picked it up on line 13 on page 2."

Senator Guess: "O.K."

Senator Washington moved adoption of the following amendment:

On page 12, line 1, after "equal to" strike "one-half of"

Debate ensued.

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

There being no objection, the amendment by Senator Washington to page 12, line 3 on the Secretary of the Senate's desk was withdrawn.

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

On page 14, line 19, after "chapter" insert ", and not more than fifty percent of its share of said amount for education and law enforcement programs related to non-highway vehicles"

On page 14, line 22, after "areas;" insert "for education and law enforcement programs related to nonhighway vehicles;"

#### POINT OF INQUIRY

Senator Pullen: "Mr. President, I am not sure I understood all of the previous debate, but weren't we replacing the term 'non-highway vehicles' with 'ORVs' previously?"

Senator Washington: "We have in most cases, but this was using the broader term in that there are a number of vehicles that may not actually have the four wheel speeds that do travel on the highways, get off of the roads, and they didn't want to get into the technical problem of utilizing funds for an arrest if the vehicle didn't technically meet the definition that we have elsewhere in the bill. That is why we have the broader definition."

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

Senator Goltz moved adoption of the following amendment:

On page 13, line 36, after "facilities" insert ": PROVIDED, HOWEVER, That the department of natural resources, two months prior to the acquisition and development of nonhighways roads and recreation facilities for off-road vehicles or off-road vehicle parks or recreation areas, as defined by RCW 46.09.020 (section 1 of Senate Bill No. 2472), shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the department shall notify all owners of property within a radius of twenty miles of such proposed ORV area or park by publishing a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located, and by giving notice of such hearing through the United States mail, first class, postage"

prepaid, to all owners of property abutting the proposed facility, as such property owners appear on the property tax roll of the county treasurer, and by notifying the owners of property adjoining any highway or access road within a radius of five miles, leading to such facility. The department of natural resources shall further file such notice of hearing with the department of ecology at the main office in Olympia and shall file with the department of ecology an environmental impact statement, prepared in accordance with the provisions of RCW 34.21.101"

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Goltz yield to a question? Senator Goltz, you previously indicated the substance of your amendment and I told you I would have no objection, but now when I read it, on the fourth from the bottom line I think you got a sneaker in there, 'and shall file with the department of ecology an environmental impact statement prepared in accordance with 34.21.101.' Now we have a governmental agency, the department of natural resources, who is building a trail head, at the end of a trail, and they go through the entire environmental impact procedure even though ecology might say it is a no impact proposal?"

Senator Goltz: "Senator Bottiger, it is my understanding that in the filing of an environmental statement, where the lead agency can make a declaration of no impact, that they would be in compliance with the RCW so it does not require a full blown environmental impact statement for every activity which would be considered by the department of natural resources."

On motion of Senator Bottiger, the following amendment to the amendment by Senator Goltz was adopted:

On the last line of the amendment to page 13, line 36, after "34.21.101" insert ", if required by the department of ecology"

#### POINT OF INQUIRY

Senator Guess: "Would Senator Goltz yield, please? Senator Goltz, in reading the amendment, I just wonder—the department of natural resources is going to have to give notice of such hearings through the United States mail, first class, postage prepaid to all property owners abutting the proposed facility, and as such property owners appear on the tax roll of the county treasurer, and by notifying the owners of property adjoining any highway or access road with a radius of five miles. That is the most stringent type of notice that I have ever seen in a bill coming to the floor. I wonder if you realize the impact of what you are doing?"

Senator Goltz: "If you divide the question, Senator Guess, on the adjoining property, I think I understand the impact of that. With regard to the radius of five miles, that may be a more stringent requirement than I would even support. I would accept an oral amendment to strike 'the access road' requirement."

Senator Guess: "I wouldn't make that."

On motion of Senator Goltz, the following amendment by Senator Goltz to the amendment by Senator Goltz was adopted:

Amend the Goltz amendment to page 13, line 36, as follows: On line 19 of the amendment, after "located" insert a period and strike all the matter down through "facility." on line 27 of the amendment.

#### MOTION

Senator Newschwander moved the amendment by Senator Goltz, as amended, be laid upon the table.

The motion by Senator Newschwander failed on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senator Goltz, as amended.



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

Senator Grant moved adoption of the following amendment by Senators Grant and Francis:

On page 17, after line 3, insert additional sections as follows:

"Sec. 21. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle(:);

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion:))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields, and protective helmets (~~required in this section~~). The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 22. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained:))"~~

Renumber the sections following consecutively, and correct internal references accordingly.

### POINT OF ORDER

Senator Guess: "Mr. President, on the amendment I raise the question of scope and object. Mr. President, it is as Senator Grant has said, a repeal of the helmet law. I have indicated to the people who have proposed the repeal of the amendment that I will vote with them this year, but not in this form.

"The bill has to do with the off-road vehicles, hasn't got anything to do with motorcycles, and I think it is totally out of order."

Debate ensued.

### MOTION

On motion of Senator Mardesich, Senate Bill No. 2472, as amended, together with the Point of Order by Senator Guess, was ordered held for the second reading calendar on April 13, 1977.

## MOTION

At 2:15 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, April 13, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 13, 1977.

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, Fleming, Jones, Newschwander, Ridder, von Reichbauer, Wojahn and Woody. On motion of Senator Odegaard, Senators Bottiger, Fleming, Ridder, von Reichbauer, Wojahn and Woody were excused. On motion of Senator Sellar, Senators Jones and Newschwander were excused.

The Color Guard, consisting of Pages Susan Bielser and Robert Killian, presented the Colors. Senator C. W. "Red" Beck offered the following prayer:

"ALMIGHTY GOD, WE HUMBLY BESEECH THEE TO ACCEPT OUR DEVOTION. WE ARE BEGINNING TO REALIZE, FATHER, THAT ALL THE THINGS WRONG WITH THIS WORLD ARE THE SUM TOTAL OF THE THINGS WRONG WITH EACH ONE OF US AS INDIVIDUALS. WE HAVE NO DOUBT ABOUT THY WILLINGNESS TO LEAD US. GIVE US THE KNOWLEDGE AND THE BELIEF AND THE INSPIRATION TO BE LED BY THEE.

"BE WITH THOSE WHO ARE SUFFERING IN THE VARIOUS PARTS OF THIS WORLD. GUIDE THEM AND RELIEVE THEM OF THEIR SUFFERING. GIVE US THE KNOWLEDGE AND THE COURAGE TO STAND UP FOR THE CONVICTIONS OF OUR THOUGHT HERE IN THE ACTIONS AND THE DELIBERATIONS THAT WE CONDUCT TODAY. .

"WE PRAY THAT ALL THAT WE DO WILL BE DONE IN THY HOLY NAME AND FOR THY HONOR AND GLORY, IN JESUS' 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 12, 1977.

SENATE BILL NO. 2293, decriminalizing certain traffic offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 2448, making general revisions in the public land laws (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2448 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Rasmussen, Sandison, Wanamaker.

Passed to Committee on Rules for second reading.

April 12, 1977.

SENATE BILL NO. 2477, enacting the "Natural Death Act" (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2477 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, McDermott, Monohon, North, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 2525, relating to transportation studies (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2525 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Bottiger, Guess, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 12, 1977.

SENATE BILL NO. 2744, providing for products liability actions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 2744 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE BILL NO. 2818, relating to public service companies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2818 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Henry, Wilson.

Passed to Committee on Rules for second reading.

April 12, 1977.

SENATE BILL NO. 2918, revising laws relating to civil liability of product manufacturers and dealers (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

April 6, 1977.

SENATE BILL NO. 3024, establishing a new policy of fisheries for the state (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 3024 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 12, 1977.

SENATE BILL NO. 3033, modifying contract procedures for code cities (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3033 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 3036, authorizing class H licenses for facilities adjacent to domestic wineries (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3036 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

April 7, 1977.

SENATE BILL NO. 3041, modifying the definition of "public place" under the alcoholic beverage control laws (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3041 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

March 8, 1977.

SENATE BILL NO. 3093, relating to the construction of state ferries (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3093 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1977.

SENATE JOINT RESOLUTION NO. 116, permitting the lending of state and local government credit for energy conservation services and materials (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 116 be substituted therefor and that the substitute resolution do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Hayner, Henry, Lewis, Wilson.

Passed to Committee on Rules for second reading.

April 12, 1977.

ENGROSSED HOUSE BILL NO. 287, requiring certain county electrical projects to be by contract (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

MESSAGE TO LIEUTENANT GOVERNOR JOHN A. CHERBERG  
KEEP WASHINGTON GREEN ASSOCIATION, INC.

April 6, 1977.

THE HONORABLE JOHN A. CHERBERG  
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE  
STATE OF WASHINGTON  
OLYMPIA, WASHINGTON

DEAR MR. CHERBERG:

Knowing you as one well informed and conscientious, I need not tell you that Arbor Day falls on April 13 and that Governor Ray has declared the week of April 11-15, 1977 as Arbor Week.

We would again very much appreciate it if you would be kind enough to read the attached statement relative to Arbor Day at the beginning of the Senate session on Wednesday, April 13, 1977.

Arrangements have already been made to have placed on the desk of each Senator a seedling of our state tree, Western Hemlock.

Thank you very much for your support and cooperation. I trust you will find this a pleasant task.

Sincerely,  
ED LONERS  
Director, Keep Washington Green  
Chairman, Washington State Arbor Day Committee.

KEEP WASHINGTON GREEN ASSOCIATION, INC.

April 6, 1977.

GENTLEMEN:

Today is Arbor Day, a time to plant and appreciate trees.

The custom of celebrating Arbor Day dates back to the fifth century when people in a small Swiss town instituted a day of tree planting as a yearly holiday. They knew the important beneficial effect trees had on each of their lives and on their country as a whole.

In the United States, the 100th anniversary of Arbor Day was celebrated in 1972.

In Washington State, legislation passed in 1957 designates the second Wednesday in April as Arbor Day.

In our state, Arbor Day has special meaning. Our trees and forests give us many comforts; beauty, shade, oxygen, and spiritual support as well as great environmental and economic values such as watersheds, forest products, and jobs.

In honor of Arbor Day, each of you will find a Western Hemlock seedling on your desk along with planting instructions and a brochure on Arbor Day. This nine month old seedling was grown in a styrofoam container in the Washington State nursery in Bellingham, operated by the Department of Natural Resources. The capacity of this nursery is now 1-1/2 million plug-type seedlings a year. The Webster Nursery at Lathrop has a capacity of 25 million open-grown seedlings a year. Several varieties of seedling stock are grown in both state nurseries for commercial forest plantings to replace the harvested trees of our most important renewable forest resource.

By planting this seedling, you affirm the spirit of Arbor Day and further enhance our heritage as the Evergreen State.

Thank you for your thoughtfulness.

ED LONERS  
Director, Keep Washington Green  
Chairman, Washington State Arbor Day Committee.

#### MESSAGES FROM THE HOUSE

April 12, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2245, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 12, 1977.

Mr. President: The House has passed SENATE BILL NO. 2378, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 12, 1977.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 353,  
SUBSTITUTE HOUSE BILL NO. 395,  
ENGROSSED HOUSE BILL NO. 691, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 12, 1977.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 23, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, by Committee on Judiciary (originally sponsored by Representatives Tilly, Wilson and Leckenby):  
Revising the provisions of the law of compensating victims of crimes.  
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 395, by Committee on Appropriations (originally sponsored by Representatives Shinpoch, Charette, Polk, Blair and Knedlik):

Revising the procedures for processing claims against the state.  
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 691, by Representatives Fischer, Pardini and Kreidler (by State Treasurer and Chairman Public Deposit Protection Commission request):

Revising the liability of a public depository.  
Referred to Committee on Financial Institutions and Insurance.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 23.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2245,  
SENATE BILL NO. 2378.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Clarke, the Senate moved to reconsider the vote by which Engrossed Senate Bill No. 2297 failed to pass the Senate on April 12, 1977.

MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2297 was rereferred to the Judiciary Committee.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 107.

MOTION

On motion of Senator Sellar, Senators Cunningham and Matson were excused.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Odegaard, the appointment of RAMON L. BARNES as a member of the Board of Trustees, Fort Steilacoom Community College, District No. 11, was confirmed.

APPOINTMENT OF RAMON L. BARNES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent or not voting, 3; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson—37.

Absent or not voting: Senators Donohue, Mardesich, Wanamaker—3.

Excused: Senators Bottiger, Cunningham, Fleming, Jones, Matson, Newschwander, von Reichbauer, Wojahn, Woody—9.

MOTION

On motion of Senator Odegaard, the appointment of MS. BARBARA A. WELSEY as a member of the Board of Trustees, Tacoma Community College, District No. 22, was confirmed.

APPOINTMENT OF MS. BARBARA A. WELSEY

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

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen,



Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Jones, Newschwander, von Reichbauer, Wojahn, Woody—5.

### MOTION

On motion of Senator Odegaard, the appointment of JERROLD MANLEY as a member of the Board of Trustees, Western Washington State College, was confirmed.

### APPOINTMENT OF JERROLD MANLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Gould, Guess, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—41.

Absent or not voting: Senators Goltz, Grant, Hayner—3.

Excused: Senators Jones, Newschwander, von Reichbauer, Wojahn, Woody—5.

### POINT OF ORDER

Senator Clarke: "Thank you, Mr. President. Point of order for the benefit of those in the gallery who are not acquainted with our previous procedure here. This appointment, number 50, number 51, 63, 95, 97, 109 and 117 were all included in a letter from the Governor on a mass or purported mass withdrawal of appointments and were acted on en masse by the Senate. It is and has been our position with respect to all of those in that category that the action, both of the Governor and the Senate thereon, was contrary both to the Constitution and the law, and we therefore have raised this point of order.

"The President has ruled adversely, but in order to keep the record correct, we are raising the point as to each of the appointments in that category, and many of us will vote 'no' on those appointments for the exclusive reason of that point of order.

"I want to accentuate that a vote 'no' does not, in any way, infer that the present appointees are incapable or that there is anything wrong with them. It is simply to preserve the point of order that we have been maintaining here, and with the consent of the President and the body, I would ask that as has been done in the past the entire record with respect to the original point of order be regarded as applicable to these particular appointments."

### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, responding to Senator Clarke's statement, this is an accurate statement of the proceedings that have occurred with regard to these various appointments in which there is some controversy, and I, too, would join in the request that the remarks that have previously been made by Senator Clarke and others on the Republican side, and those remarks made by myself and others on the Democratic side, be made a part of this particular matter as it involves these further gubernatorial appointments."

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Walgren, the appointment of ELGIN E. OLRÖGG as a member of the State Gambling Commission was confirmed.

## APPOINTMENT OF ELGIN E. OLRÖGG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 13; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Washington, Wilson—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Lewis, Matson, Morrison, Murray, North, Pullen, Sellar—13.

Absent or not voting: Senators Hayner, Wanamaker—2.

Excused: Senators Jones, Newschwander, von Reichbauer, Wojahn, Woody—

5.

## PERSONAL PRIVILEGE

Senator Rasmussen: "I was neglecting my duties in being off of the floor working on some other legislation, and I should tell the members of the Senate. I am sure they knew that Elgin Ologg is a retired FBI agent and served on law and justice for Pierce County for two years, and I think he would be and will be an excellent addition to the gambling commission."

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Rasmussen, the appointment of MARY KNIBBS as a member of the State Gambling Commission was confirmed.

## APPOINTMENT OF MARY KNIBBS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 16; excused, 5.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Lewis, Matson, Morrison, Murray, North, Pullen, Scott, Sellar, Wanamaker—16.

Excused: Senators Jones, Newschwander, von Reichbauer, Wojahn, Woody—

5.

## MOTION

At 10:45 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2472.

## SECOND READING

SENATE BILL NO. 2472, by Senators Bottiger, Guess and Bausch:  
Changing the law on recreational vehicles.

The Senate resumed consideration of Senate Bill No. 2472 as amended on April 12, 1977. At that time, the following amendment by Senators Grant and Francis had been moved for adoption:

On page 17, after line 3, insert additional sections as follows:

"Sec. 21. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle((-);

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion:))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields, and protective helmets (~~(required in this section)~~). The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 22. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained:))"~~

Remember the sections following consecutively, and correct internal references accordingly.

Senator Guess raised a Point of Order on the amendment.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Guess, the President finds that Senate Bill 2472 creates a general class of vehicles known as off-road vehicles with provisions to license and regulate the use of such vehicles, whereas the amendment proposed by Senators Grant and Francis is in essence a repeal of the motorcycle helmet law. Therefore the President does believe that the amendment changes the scope and object of the bill, and the point of order is well taken."

The amendment by Senators Grant and Francis was ruled out of order.

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

On page 4, line 1, after "vehicles" insert "as described in section 13"

Senator Grant moved adoption of the following amendment:

On page 17, after line 3, insert additional sections as follows:

"Sec. 21. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle ((-));

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment ((-));

(c) For any person to operate or ride upon a motorcycle or motor-driven cycle on a highway unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields, and protective helmets required in this section. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved."

Renumber the sections following consecutively, and correct internal references accordingly.

#### POINT OF ORDER

Senator Guess: "I haven't had a chance to read it, but it seems to me that you have already ruled on the issue. It still has to do with motorcycles. Just because he changed the locale of it hasn't got anything to do with it. It amends a different section, and it starts off and says that 'it shall be unlawful for any person to operate a motorcycle, a motor driven cycle not equipped with a mirror on the left side of the handlebars shall be so located as to give the driver complete—' It has to do with motorcycles."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Just to make the record clear, I don't recall that Senator Guess formally raised the point of order as to this particular amendment, although there has been debate on it, and I would like the record to show that he has raised the point on this amendment."

President Cherberg: "You are raising the point, Senator Clarke?"

Senator Clarke: "On Senator Guess's behalf, I am raising the point of scope and object which has already been argued but I don't think was before the body."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your remarks are correct in that regard, Senator Clarke."

Debate ensued.

## MOTION

On motion of Senator Marsh, Senate Bill No. 2472, as amended, together with the pending amendment by Senator Grant and the Point of Order raised by Senator Guess, was made a special order of business for 1:30 p.m. today.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2529.

## SECOND READING

SENATE BILL NO. 2529, by Senator Henry:  
Relating to highways.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2529 was substituted for Senate Bill No. 2529, 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. 2529 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 Henry yield to a question? Senator Henry, as I heard your explanation, you kind of turned it around. You said that they could fix up their homes. My understanding of the bill is that they decide they are going to build a highway; they file it with the county auditor, but then that person has two years in which he may make no improvements on his home and expect to be compensated for it. Is this correct?"

Senator Henry: "Well, in effect that is correct, not necessarily improvements on the home because the condemnation will be done on the appraised value and so forth, but it would not permit him to go build a new factory or something in the corridor site and expect to get paid for it and if it is done within two years. I am quite sure that you understand that most of my explanations that I make have no direct relation to the bill under discussion. I am sure you understand that."

Senator Rasmussen: "Thank you, Senator Henry."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2529, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Rasmussen, Scott, Van Hollebeke—3.

Absent or not voting: Senator Bausch—1.

Excused: Senators Newschwander, von Reichbauer, Wojahn, Woody—4.

SUBSTITUTE SENATE BILL NO. 2529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2769, by Senators Ridder, von Reichbauer and Sellar:  
Increasing the registration fees for contractors.

### REPORT OF STANDING COMMITTEE

March 30, 1977.

SENATE BILL NO. 2769, increasing the registration fees for contractors (reported by Committee on Ways and Means):

MAJORITY recommendation: That the Labor Committee amendments not be adopted and that the bill pass with the following Ways and Means Committee amendments:

On page 1, add a new section following section 1 as follows:

"NEW SECTION. Sec. 2. This 1977 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 on July 1, 1977."

On page 1, line 1 of the title, after "contractors;" strike "and"

On page 3 of the title, after "18.27.070" insert "; and declaring an emergency"  
Committee on Labor amendments:

On page 1, add a new section following section 1 as follows:

"NEW SECTION. Sec. 2. There is hereby appropriated from the general fund the additional sum of \$152,855.00 dollars to supplement any sums otherwise appropriated for purposes of administration of chapter 18.27 RCW."

On page 1, line 1 of the title, after "contractors;" strike "and", and on line 3 of the title, after "18.27.070" insert "; and making an appropriation"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder, Scott.

The bill was read the second time by sections.

Senator Ridder moved the amendment by the Committee on Labor not be adopted.

### POINT OF INQUIRY

Senator Talley: "Mr. President, I wonder if Senator Donohue would yield? You are agreeable to putting this money in the budget?"

Senator Donohue: "That is correct, it is in the budget, Senator."

Senator Talley: "Thank you."

The motion by Senator Ridder carried and the amendment by the Committee on Labor was not adopted.

On motion of Senator Ridder, the amendment by the Committee on Ways and Means was adopted.

On motion of Senator Ridder, the amendment to the title by the Committee on Labor was not adopted.

On motion of Senator Ridder, the amendment to the title by the Committee on Ways and Means was adopted.

On motion of Senator Ridder, Engrossed Senate Bill No. 2769 was advanced to third reading, the second 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. 2769, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—39.

Voting nay: Senators Bluechel, Guess, Jones, Matson, Pullen—5.

Absent or not voting: Senator McDermott—1.

Excused: Senators Newschwander, von Reichbauer, Wojahn, Woody—4.

ENGROSSED SENATE BILL NO. 2769, having received the constitutional 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 12:30 p.m., on motion of Senator Walgren, 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, the Senate commenced consideration of Senate Bill No. 2975.

## SECOND READING

SENATE BILL NO. 2975, by Senators Bluechel, Gould, Murray, Goltz and Hayner:

Relating to the liability of ski resort operators.

## MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 2975 was substituted for Senate Bill No. 2975 and the substitute bill was placed on second reading and read the second time in full.

Senator Bluechel moved that Substitute Senate Bill No. 2975 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Just before we move the bill, I would like to ask Senator Bluechel a question. Senator Bluechel, in this proposed legislation you make it a misdemeanor for a person involved in a skiing accident to depart from the scene of the accident without leaving identification, I have a question about that. Do you remember in the motor vehicle code where a person leaves an accident that—of course it is a criminal offense without reporting it, but what are you talking about in regards to an accident where I, as a skier, ski into a tree, does it involve some other person or a certain amount of damage? What are you speaking of?"

Senator Bluechel: "A skiing accident as defined in this would be—it is not defined, but would be understood to be where you hit somebody else, where two people are involved in an accident, and that one person has contributed to part of the accident. The other person would be injured. Now, it is not a misdemeanor under this bill if there are no injuries or if no aid is required. It is only when injuries or aid are required and two people have collided or in some sense one person has caused the accident to the other person."

Senator Rasmussen: "It does require an injury?"

Senator Bluechel: "Yes. If there is no injury—"

Senator Rasmussen: "In what amount? I sprained my ankle or hurt my feelings?"

Senator Bluechel: "No, I think the bill goes on to state, 'where aid is required,' In other words, where aid must be summoned such as the ski patrol is summoned to help that person off the mountain. Somebody must report that accident and say that he was involved. This has developed into a problem in areas because people have caused accidents and then left the scene, and then in further to this, where somebody is involved in an accident they have then later come back and sued the area and the area has never even known about an injury-type accident. They have gotten off the hill themselves by some method and consequently, the area then has been sued, and the people in the area have never heard of the accident. There is no record in the ski patrol. Under normal common practices in skiing, if you are involved in an accident or cause an accident, you must stay and help that person if that person requires help because of an injury. I would say if you get a sprained ankle and you ski off on it, it is highly questionable whether that would be the type of accident we are talking about. We are talking about where somebody has a serious accident."

Senator Rasmussen: "Thank you."

Debate ensued.

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, in further answering Senator Rasmussen's question, I call attention to lines 14 and 15 on page 4 where it says, 'knowing that any other person involved in the accident is in need of medical or other assistance,' so I think that very well takes care of the point you were endeavoring to make."

The motion by Senator Bluechel carried and Substitute Senate Bill No. 2975 was advanced to third reading and final passage.

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Bluechel yield? Senator, insofar as this bill is designed to achieve the purposes you are speaking to, I think it is a good bill. My attention is attracted to section 5 on page 4 pertaining to mandatory liability insurance which a ski lift operator must maintain. I would like to have some idea as to what this sort of insurance costs. In other words, I am wondering if this is a cost item which might mean very little to the proprietors up on Snoqualmie Pass, but could mean quite a bit to the small, informal cooperative ski hills that are operated in my neck of the woods."

Senator Bluechel: "No, this insurance to my knowledge, now, is carried by all of the areas that operate publicly. If the area is operating on a private basis, it is a different matter, but all of the areas that are operating publicly, and I think we contacted them before the committee hearing and spoke to every one of them, and the area operator's association which, I believe, all of the ski areas in the state belong to. I may be wrong on that. There may be one or two that don't, but to my knowledge they all belong, and the insurance that is covered here is what they are carrying now for their own protection."



## POINT OF INQUIRY

Senator Cunningham: "Thank you, Mr. President. Would Senator Bluechel yield to a question? Alan, sharing with you the concern on skiing, I am looking at section 3, . . . and possibly through question and answer, it talks here about leaving the scene knowing that the other person is injured, what I am wondering is how do you interpret that with say, a five-year-old or a six-year-old who inadvertently skis in front of somebody and forces them to have an accident?"

Senator Bluechel: "I think you can point out many circumstances in something like this where there is a question. If somebody skis in front of somebody and causes an accident, and he is five years old, other people will be around. The primary purpose of this section is to notify the first aid ski patrol that somebody is hurt so somebody stays there and somebody goes to notify the patrol so that they will get immediate medical assistance. This is the primary purpose. This, in discussion with the various attorneys that drafted this, and in the committee, is I will agree, a somewhat nebulous area, and whether the enforcement can be done or not is questionable. But the intent of the ski area operators is to post a sign saying you are guilty of a misdemeanor if you leave the scene of an accident, and hope that the general public will comply with this."

## POINT OF INQUIRY

Senator Bausch: "Will Senator Bluechel yield? There are a couple of things about the bill that bother me, but in particular, I would like to know what the intent is as to the definition of the bill being written in favor of or for skiers or for the ski resort owners."

Senator Bluechel: "Senator Bausch, the attempt was made to write it right down the middle, to neither favor one nor the other, to notify the skiers that they have responsibilities when they ski in an area, and certain of the responsibilities they take upon themselves. At the same time it was to notify the ski area operators that they must have liability insurance, that they must post signs, that they must not have anything in gross negligence. They are liable for any gross negligence. Hopefully it is written right down the middle. The bill has partially been taken from a statute in New Hampshire which was a great deal of the first sections of this bill where they have used this to try to put common sense back into skiing. Hopefully it doesn't favor either side, and hopefully it will keep a lid on the prices, which is the main reason I am entering this."

Further debate ensued.

## POINT OF INQUIRY

Senator Beck: "Thank you, Mr. President. Would Senator Murray yield to a question, please? Senator Murray, have you checked with the Washington Environmental Council, and have you written an environmental impact statement on going way up in the top of those mountains and sticking up sign boards?"

Senator Murray: "In my opinion there is no environmental impact statement necessary."

Senator Beck: "Yes, but you are putting sign boards up there. Better beware of those environmentalists."

Further debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, I find that in chapter 70.88 of the RCWs the state parks and recreation commission has certain responsibilities for inspection

of ski facilities and equipment, and was wondering if Senator Bluechel can tell us what kind of a job the commission has been doing in inspecting those facilities."

Senator Bluechel: "Senator Odegaard, that law was passed two or three years ago, and the inspections have been carried out under the state parks and recreation. Actually, from a practical matter, all of the ski areas operate under the ANSI code which is much different from anything we have in this state, and for their own self protection, they take out liability—they post signs. They do all of the things that will get them their liability insurance, and the inspection by the state parks, while it is a necessary part of skiing, they would do it anyway, and I believe that in this state they supersede those inspections in all ways."

Senator Odegaard: "Actually that law was passed in 1959. Would this bill in any way repeal any section of that law in 70.88?"

Senator Bluechel: "Not to my knowledge at all. It was not the intent, and I don't think it does."

Further debate ensued.

#### MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2975 was ordered held on the third reading calendar for April 14, 1977.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2472, a special order of business.

### SPECIAL ORDER OF BUSINESS

#### SECOND READING

SENATE BILL NO. 2472, by Senators Bottiger, Guess and Bausch:

Changing the law on recreational vehicles.

The time having arrived, the Senate resumed consideration of Senate Bill No. 2472, as amended. Earlier today, Senator Grant moved adoption of an amendment to page 17, following line 3, inserting additional sections. Senator Guess raised a Point of Order on the amendment.

There being no objection, on motion of Senator Guess the Point of Order raised by Senator Guess was withdrawn.

There being no objection, on motion of Senator Grant, the proposed amendment was withdrawn.

On motion of Senator Bottiger, Engrossed Senate Bill No. 2472 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Odegaard, Senator Francis was excused.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Bottiger yield? Senator Bottiger, the question comes up, does this require that a person who is on a hunting trip, goes out and uses a trail in a normal vehicle, does he have to have an ORV tag?"

Senator Bottiger: "Senator Guess, you are only supposed to ask questions so that I have a chance to look it up. My understanding is it does not change the existing law at all. Where he required one before, it would require him to have one now, if he is using these forms of roads."

Senator Guess: "Senator Bottiger, the situation where a person gets a permit from the department of natural resources and goes out in the forest to cut firewood, is it going to be necessary for him to have, when he has in his possession a temporary permit to cut firewood, to have also the ORV tag?"

Senator Bottiger: "I don't believe so."

Senator Guess: "Thank you."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Guess yield to a question? I understand your question related to the person that used his, maybe not his Jeep, with a registered off-the-road vehicle license?"

Senator Guess: "No, I wasn't talking about that. I was talking about a person who has a pick-up and gets a permit to go cut firewood, and he happens to use one of these forest service trails, an ORV trail. Is it necessary for him, during the time he is getting the wood, to have to have an ORV sticker?"

Senator Rasmussen: "And Senator Bottiger said he did not believe so?"

Senator Guess: "That is correct."

Senator Rasmussen: "I believe that he would have, any time he was caught on any one of these trails, he would be expected to have an off-the-road vehicle license. I am not an attorney, but as I read the bill, it would require it."

Senator Guess: "Senator Rasmussen, this occurred to me as we were in debate, and I was hoping that we would clarify the situation to make sure that the person who had a temporary permit to get firewood, and had occasion to use one of the trails would not be required to have an ORV sticker."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, usually if you have enough time you can find the answer to those questions. On page 3, line 25, 'ORV use area' and it there specifies that if you are on a designated trail with some exceptions, buffer zone, approved camping site, things of this nature, if you go on the ORV trail, designated, posted ORV trail, you must have an ORV sticker permit. Now, if the firewood cutter decides to drive up an ORV trail, then there is a three dollar permit that he buys. If he doesn't want to buy the permit, then he can carry his wood back to the trailhead."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2472, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—40.

Voting nay: Senators Grant, Newschwander, Rasmussen, Wilson—4.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Francis, von Reichbauer, Wojahn, Woody—4.

ENGROSSED SENATE BILL NO. 2472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:10 p.m., on motion of Senator Walgren, the Senate recessed until 3:30 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:30 p.m.

## MOTION

At 3:32 p.m., Senator Walgren moved the Senate adjourn until 11:00 a.m., Thursday, April 14, 1977.

Senator Matson demanded a roll call and the demand was sustained by Senators Buffington, Guess, Morrison, Wanamaker, Jones, Clarke, Pullen, Donohue and Cunningham.

The President declared the question before the Senate to be the motion by Senator Walgren that the Senate do now adjourn until 11:00 a.m., Thursday, April 14, 1977.

## ROLL CALL

The Secretary called the roll and the motion by Senator Walgren failed by the following vote: Yeas, 18; nays, 26; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Fleming, Gaspard, Goltz, Grant, Henry, Marsh, Monohon, Peterson, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington—18.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gould, Guess, Hayner, Jones, Keefe, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Sellar, Wanamaker, Wilson, Woody—26.

Absent or not voting: Senators Herr, Scott—2.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

## MOTION

Senator Donohue moved the Senate advance to the eighth order of business.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 63.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Donohue, the appointment of ROBERT M. FORD as a member of the Board of Tax Appeals was confirmed.

## APPOINTMENT OF ROBERT M. FORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 18; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Walgren, Washington, Wilson, Woody—25.

Voting nay: Senators Benitz, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Van Hollebeke, Wanamaker—18.

Absent or not voting: Senators Bluechel, Herr, Talley—3.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

#### MOTION

On motion of Senator Washington, the appointment of DAVE J. MOONEY as a member of the Pollution Control Hearings Board was confirmed.

#### APPOINTMENT OF DAVE J. MOONEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 18; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Absent or not voting: Senators Buffington, Herr—2.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

#### MOTION

On motion of Senator Walgren, the appointment of JAMES G. SWINYARD as a member of the State Highway Commission was confirmed.

#### APPOINTMENT OF JAMES G. SWINYARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senators Buffington, Herr—2.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

#### MOTION

On motion of Senator Bausch, the appointment of DAVID ELLSWORTH as a member of the Board of Trustees, Centralia Community College, District No. 12, was confirmed.

#### APPOINTMENT OF DAVID ELLSWORTH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 17; absent or not voting, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon,

Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senators Bottiger, Hayner, Herr, Odegaard—4.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

#### MOTION

On motion of Senator Washington, the appointment of JAMES HOGAN as a member of the Board of Trustees, Central Washington State College, was confirmed.

#### APPOINTMENT OF JAMES HOGAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—17.

Absent or not voting: Senators Bluechel, Herr—2.

Excused: Senators Francis, von Reichbauer, Wojahn—3.

#### MOTION

At 4:05 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, April 14, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTY-FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 14, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The following prayer was offered by Reverend Frank L. Accardy, pastor of Emmanuel Baptist Church of Olympia:

"LORD, WE ASK YOU TO BLESS THE PROCEEDINGS OF THIS DAY.  
IN JESUS' NAME. AMEN."

**MOTION**

At 11:05 a.m., on motion of Senator Walgren, the Senate recessed until 5:00 p.m.

**EVENING SESSION**

The President called the Senate to order at 5:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 6:00 p.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, von Reichbauer and Woody. On motion of Senator Jones, Senator Bluechel was excused. On motion of Senator Odegaard, Senators von Reichbauer and Woody were excused.

The Color Guard, consisting of Pages Michael McCarthy and Linda Underwood, presented the Colors.

**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 11, 1977.

SENATE JOINT MEMORIAL NO. 109, requesting the federal government to develop a program of standards for marine measurements (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 12, 1977.

HOUSE BILL NO. 54, authorizing direct billing to the legislature for services provided by the department of general administration (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

April 12, 1977.

MALACHY SCANLAN, to the position of member of the Public Disclosure Commission, appointed by the Governor on February 3, 1977 for the term ending February 3, 1981, succeeding Kenneth Kennedy (reported by the Committee on Constitution and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Grant, Chairman; Beck, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules.

April 14, 1977.

ANDREW P. KELLY, to the position of member of the Board of Trustees for Eastern Washington State College, appointed by the Governor on March 18, 1977 for the term ending March 14, 1983, succeeding Ronald Robinson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 14, 1977.

DON F. BROUGHTON, to the position of member of the Board of Trustees for Central Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 9, 1981, succeeding Catherine Hunter (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules.

## MESSAGE FROM THE GOVERNOR

## GUBERNATORIAL APPOINTMENT

April 12, 1977.

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

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

Fred E. Haggard, appointed April 4, 1977, for a term ending July 1, 1982, succeeding Oliver Furseth as a member of the Gambling Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

## MESSAGES FROM THE HOUSE

April 13, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.



April 13, 1977.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 584, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 13, 1977.

Mr. President: The House has passed HOUSE BILL NO. 921, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 13, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2175, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 13, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 429,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 520,  
SUBSTITUTE HOUSE BILL NO. 662,  
SUBSTITUTE HOUSE BILL NO. 880,  
ENGROSSED HOUSE BILL NO. 933, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 13, 1977.

Mr. President: The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 2245,  
SENATE BILL NO. 2378, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 429, by Representatives Kilbury, May, Clemente, Lux, Burns, Fischer, Becker, Martinis, Bender, Boldt and Grier:

Requiring the department of labor and industries to conduct railroad safety inspections relating to employees.

Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 520, by Committee on Insurance (originally sponsored by Representatives Shinpoch, Charnley and Sherman):

Providing statutory consumer protection in certain areas of automobile insurance.

Referred to Committee on Financial Institutions and Insurance.

REENGROSSED HOUSE BILL NO. 584, by Representatives Thompson, Grimm and Charnley:

Permitting college and university professors.

Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 662**, by Committee on Higher Education (originally sponsored by Representatives Erickson, Grimm, Chandler, Knowles, Oliver, Owen, Grier, Salatino, Bender, Gilleland, Haley, Fuller, Taller, Bond, Hawkins, Bauer, Charette, Enbody, Tilly, Sanders, Clayton, Winsley, Paris and Monohon:

Regulating the granting of remunerated professional leaves.  
Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 880**, by Committee on Education (originally sponsored by Representatives Bauer, Heck, Whiteside, Fortson and Clemente):  
Implementing law relating to school principals and their powers and duties and allowing school district management teams.  
Referred to Committee on Education.

**HOUSE BILL NO. 921**, by Representatives Schmitt, Clayton, Fancher, Conner, Whiteside, Oliver, Struthers, Tilly and Hansen:  
Providing that fork lifts shall be exceptions to certain requirements for motor vehicles.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 933**, by Representatives Charnley and Conner:  
Permitting roadside area information panels.  
Referred to Committee on Transportation.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 960**, by Committee on Education (originally sponsored by Representative Clemente):  
Enacting "The Education Act of 1977".  
Referred to Committee on Education.

#### SIGNED BY THE PRESIDENT

The President signed:  
**SENATE BILL NO. 2175.**

#### MOTION

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

#### MOTION

Senator Walgren moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-23

By Senators Walgren, Sandison, Matson and Newschwander:  
**BE IT RESOLVED**, That the Senate Rules in effect at the time of adjournment Sine Die of the Forty-fourth Legislature be adopted as the permanent rules of the Forty-fifth Legislature and that they be amended as follows:

#### RULES OF THE SENATE

##### SENATE RULE NO.

- Rule 1 Duties of the president.
- Rule 2 Committees—Appointment and confirmation.
- Rule 3 Election by roll call.
- Rule 4 Secretary, sergeant at arms, employees.
- Rule 5 Subordinate officers.

- Rule 6 Restriction of employment.
- Rule 7 President pro tem.
- Rule 8 Payment of expenses.
- Rule 9 Daily convening time.
- Rule 10 Quorum.
- Rule 11 Call of the senate.
- Rule 12 Order of business.
- Rule 13 Business to be announced.
- Rule 14 Special order.
- Rule 15 Unfinished business.
- Rule 16 Rules of debate.
- Rule 17 Motions—How presented.
- Rule 18 Recognition by the president.
- Rule 19 Priority of business.
- Rule 20 Messages.
- Rule 21 Precedence of motions.
- Rule 22 Opening and closing debate.
- Rule 23 Call for division of a question.
- Rule 24 Point of order—Decision appealable.
- Rule 25 Question of privilege.
- Rule 26 Protests.
- Rule 27 Reading of papers.
- Rule 28 Suspension of Rules.
- Rule 29 Suspension of rules—Debate.
- Rule 30 Previous question.
- Rule 31 Reconsideration, how taken.
- Rule 32 Yeas and nays—When must be taken.
- Rule 33 Tie vote.
- Rule 34 Announcement of vote.
- Rule 35 Motion to adjourn.
- Rule 36 Reed's parliamentary rules.
- Rule 37 Breach of decorum.
- Rule 38 Transgression of rules.
- Rule 39 Absence of senator without leave.
- Rule 40 Decorum.
- Rule 41 Use of senate chambers.
- Rule 42 Admission to the senate.
- Rule 43 Senate Gallery.
- Rule 44 Admission to the floor of the senate.
- Rule 45 Duties of committees.
- Rule 46 Committee reports.
- Rule 47 Committee reference.
- Rule 48 Comparing enrolled and engrossed bills.
- Rule 49 Rules in the committee of the whole.
- Rule 50 Suspend rules for committee of the whole.
- Rule 51 Formation of the committee of the whole.
- Rule 52 Report of committee of the whole.
- Rule 53 Messages received while committee of the whole sits.
- Rule 54 Joint resolutions and memorials.
- Rule 55 Senate concurrent resolutions.
- Rule 56 Introduction of bills.
- Rule 57 One subject in a bill.
- Rule 58 Amendatory bills.
- Rule 59 Reading of bills.

Rule 60	Scope and object of bill not to be changed.
Rule 61	No amendment by mere reference to title of act.
Rule 62	Bills committed for special amendment.
Rule 63	Appropriation bills budget.
Rule 64	Printing of bills.
Rule 65	Furnishing full file of bills.
Rule 66	Question of consideration.
Rule 67	Names on roll call.
Rule 68	Confirmation of gubernatorial appointees.
Rule 69	Regulation of lobbyists.
Rule 70	Vote on free conference committee report.
Rule 71	Vote record of standing committees.
Rule 72	Rules to apply for biennium.

### DUTIES OF THE PRESIDENT

**RULE 1.** The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate. He shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. In the absence of the president pro tem, he shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

He shall have charge of and see that all officers, attaches, and clerks perform their respective duties, and he shall have general control of the senate chamber and lobby.

### COMMITTEES—APPOINTMENT AND CONFIRMATION

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

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

In appointing the committee members to the hereinafter named standing committees, the president shall name members in the same ratio as the membership of the respective parties in the senate. Committee members will be selected by each party's caucus.

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

1. Agriculture . . . . .	5
2. Commerce . . . . .	5
3. Constitution and Elections . . . . .	8
4. Ecology . . . . .	7
5. Education . . . . .	7

6. Energy and Utilities .....	9
7. Financial Institutions .....	7
8. Higher Education .....	7
9. Judiciary .....	29
10. Labor .....	7
11. Local Government .....	7
12. Natural Resources .....	9
13. Parks and Recreation .....	5
14. Rules 14 15. Social and Health Services .....	13
16. State Government .....	7
17. Transportation .....	11
18. Ways and Means .....	19

### ELECTION BY ROLL CALL

**RULE 3.** In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced. (See also Art. 2, Sec. 30, State Constitution.)

A senator having been absent during roll call may ask to have his name called: **PROVIDED**, He makes such request before the result of the roll call has been announced by the president.

### SECRETARY, SERGEANT AT ARMS, EMPLOYEES

**RULE 4.** The senate shall elect a secretary, and a sergeant at arms, who shall perform the usual duties pertaining to their offices, and they shall hold office during the regular session and until their successor has been elected. The secretary shall appoint, subject to the approval of the senate, all other senate employees; and the hours of duty and assignments of all senate employees shall be under his directions and instructions, and they may be dismissed by him at his discretion. The secretary of the senate, prior to the convening of the next session, shall prepare his office to receive bills which the members and members-elect may desire to prefile commencing with the first Monday in December preceding any session year; or twenty days prior to any extraordinary session of the legislature. He shall have printed copies prepared and distributed to the members and members-elect.

### SUBORDINATE OFFICERS

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

### RESTRICTION OF EMPLOYMENT

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

## PRESIDENT PRO TEM

**RULE 7.** Upon the organization of the senate the members shall select one of their number as president pro tem, who shall have all the powers and authority, and who shall discharge all the duties of the lieutenant governor, acting as president during his absence.

In the event that the lieutenant governor is acting as governor the senate shall also elect one of its members temporary president, who, in the absence or disability of the president elected by the senate, shall have all the power and authority and who shall discharge the duties of such president.

## PAYMENT OF EXPENSES

**RULE 8.** All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

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

## DAILY CONVENING TIME

**RULE 9.** The president shall call the senate to order each day of sitting at 11 o'clock a.m., unless the senate shall have adjourned to some other hour.

## QUORUM

**RULE 10.** A majority of all members elected to the senate shall be necessary to constitute a quorum to do business: PROVIDED, That less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

## CALL OF THE SENATE

**RULE 11.** Although a roll call can be in progress, a call of the senate may be moved by three senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

## ORDER OF BUSINESS

**RULE 12.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

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

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials, resolutions and motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present. (See also Rule 45, Paragraph 4.)

### BUSINESS TO BE ANNOUNCED

RULE 13. The president shall, on each day, announce to the senate the business in order, agreeable to the preceding rule, and no business shall be taken up or considered, until the class to which it belongs shall be declared in order.

### SPECIAL ORDER

RULE 14. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

### UNFINISHED BUSINESS

RULE 15. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

### RULES OF DEBATE

RULE 16. When any senator is about to speak in debate, or submit any matter to the senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question.

### MOTIONS—HOW PRESENTED

RULE 17. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

### SENATE RESOLUTIONS

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

### RECOGNITION BY THE PRESIDENT

RULE 18. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

### PRIORITY OF BUSINESS

RULE 19. All questions relating to the priority of business shall be decided without debate.

### MESSAGES

RULE 20. Messages from the governor, other state officers, and from the house of representatives may be considered at any time by consent of the senate.

### PRECEDENCE OF MOTIONS

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

#### PRIVILEGED MOTIONS

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

#### INCIDENTAL MOTIONS

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

#### SUBSIDIARY MOTIONS

1st Rank: Question of Consideration  
 2nd Rank: To lay on the table  
 3rd Rank: For the previous question  
 4th Rank: To postpone to a day certain  
           To commit or recommit  
           To postpone indefinitely  
 5th Rank: To amend

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

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

### OPENING AND CLOSING DEBATE

RULE 22. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

### CALL FOR DIVISION OF A QUESTION

RULE 23. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive



proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

#### POINT OF ORDER—DECISION APPEALABLE

**RULE 24.** Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

#### QUESTION OF PRIVILEGE

**RULE 25.** Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries: **PROVIDED,** The president upon notice received may acknowledge the presence of any distinguished person or persons.

#### PROTESTS

**RULE 26.** Any senator or senators may protest against the action of the senate upon any question and have such protest entered upon the journal: **PROVIDED,** That such protest does not exceed 200 words. The senator protesting shall file his protest with the secretary of the senate within 48 hours following the action protested.

#### READING OF PAPERS

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

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

#### SUSPENSION OF RULES

**RULE 28.** No standing rule or order of this senate shall be rescinded or changed without a majority vote of the members, and seven days' notice of the motion thereof: **PROVIDED,** Adoption of permanent rules may be by simple majority without notice, but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly.

#### SUSPENSION OF RULES—DEBATE

**RULE 29.** Motion for suspension of the rules shall not be debatable, except, however, the mover of the motion may briefly explain the purpose of his motion and at the discretion of the president a rebuttal may be allowed.

## PREVIOUS QUESTION

**RULE 30.** The previous question shall not be put unless demanded by three senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

## RECONSIDERATION, HOW TAKEN

**RULE 31.** After the final vote on any resolution or bill, before the adjournment of that day's session, and at such time only, any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the fiftieth day of the session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

## YEAS AND NAYS—WHEN MUST BE TAKEN

**RULE 32.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal, and the names of senators demanding the yeas and nays shall also be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rule 11.)

## TIE VOTE

**RULE 33.** The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 22, State Constitution.)

## ANNOUNCEMENT OF VOTE

**RULE 34.** The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall not be postponed.

## MOTION TO ADJOURN

**RULE 35.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

## REED'S PARLIAMENTARY RULES

**RULE 36.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

### BREACH OF DECORUM

**RULE 37.** In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

### TRANSGRESSION OF RULES

**RULE 38.** If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when, if carried, he shall confine himself to the question under consideration.

### ABSENCE OF SENATOR WITHOUT LEAVE

**RULE 39.** No senator shall absent himself from the senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

### DECORUM

**RULE 40.** Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

### USE OF SENATE CHAMBERS

**RULE 41.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate.

### ADMISSION TO THE SENATE

**RULE 42.** The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not in session any person other than requested by a senator, the president or secretary of the senate, in writing, or when personally accompanied by a senator.

### SENATE GALLERY

**RULE 43.** The east section of the south gallery is reserved for the use of the governor and state officers and their families, for the families of senators, and for members of the house of representatives and their families.

## ADMISSION TO THE FLOOR OF THE SENATE

**RULE 44.** The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the session any person other than a member of the senate, except:

The governor.

Members of the house of representatives.

State elective officers.

Former members of the senate and state chairmen of the two major political parties.

Officers and employees of the senate.

Representatives of the press or other persons designated by name and holding cards of admission authorized by the rules committee and signed by the president:

**PROVIDED,** That these courtesies shall be rescinded if the privilege is used for the purpose of lobbying when the senate is in session.

## DUTIES OF COMMITTEES

**RULE 45.** The several committees shall fully consider all measures referred to them.

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

## DEFINITIONS

"Measure" means a bill, joint memorial, or joint resolution.

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

## RULES COMMITTEE DAILY CALENDAR

The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

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

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

## RECALLING BILLS FROM COMMITTEES

Any standing committee of the senate may be relieved of further consideration of any bill by a majority vote of the members of the senate. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

## NOTICE

At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing: **PROVIDED,** That by a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

**COMMITTEE MEETINGS DURING SESSIONS**

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

No committee shall sit during the regular daily scheduled caucus.

**VOTING IN COMMITTEES**

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

**OPEN MEETINGS OF STANDING COMMITTEES**

During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the senate shall be open to the public: **PROVIDED, HOWEVER,** That in case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and/or may order the meeting closed to any person or persons creating such disturbance.

**QUORUM REQUIRED**

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

**COMMITTEE REPORTS**

**RULE 46.** Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, and shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee:

1. Do pass.
2. Do pass as amended.
3. Without recommendation.
4. Do not pass.
5. That the bill be referred to another committee.
6. That a substitute bill be substituted therefor, and the substitute bill do pass.
7. That the bill be indefinitely postponed.

**MAJORITY REPORTS**

A majority report of a committee must carry the signatures of a majority of the members of the committee.

**MINORITY REPORTS**

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

**FILING COMMITTEE REPORTS**

Prior to the 50th day all reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

**READING OF REPORTS**

The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be

dispensed with by the senate, and all committee reports shall be spread upon the journal.

### BILLS REFERRED TO RULES COMMITTEE

All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rule 59, Paragraph 4.)

### SUBSTITUTE BILLS

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

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

### COMMITTEE REFERENCE

**RULE 47.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST:** The committee of the whole senate.  
**SECOND:** A standing committee.  
**THIRD:** A select committee.

### COMPARING ENROLLED AND ENGROSSED BILLS

**RULE 48.** Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

### RULES IN THE COMMITTEE OF THE WHOLE

**RULE 49.** The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered, but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting.

### SUSPEND RULES FOR COMMITTEE OF THE WHOLE

**RULE 50.** The senate may at any time, by the vote of the majority of the members present, suspend the rules and orders of the senate for the purpose of going into the committee of the whole for the consideration of any bill, memorial or resolution before the senate.

### FORMATION OF THE COMMITTEE OF THE WHOLE

**RULE 51.** In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action.

### REPORT OF COMMITTEE OF THE WHOLE

**RULE 52.** A motion that the committee of the whole rise shall always be in order, and shall be decided without debate. (See also Senate Rule 63.)

### MESSAGES RECEIVED WHILE COMMITTEE OF THE WHOLE SITS

**RULE 53.** Messages may be received by the president while the committee of the whole is sitting; in which case the president shall resume the chair, receive the message, and vacate the chair, in favor of the chairman of the committee.

### JOINT RESOLUTIONS AND MEMORIALS

**RULE 54.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

### SENATE CONCURRENT RESOLUTIONS

**RULE 55.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call: **PROVIDED, HOWEVER,** That concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal.

### INTRODUCTION OF BILLS

**RULE 56.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: **PROVIDED, HOWEVER,** That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by three o'clock in the afternoon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced: **PROVIDED FURTHER,** That all bills to be considered by the Senate during the regular session shall be on the request list of the code reviser by 12:00 noon the 38th day and shall be read in on the fifth order of business no later than the fortieth legislative day.

After the fortieth day of the session no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: **PROVIDED,** That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills.

Members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any extraordinary session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day: **PROVIDED, HOWEVER,** That no bill, joint memorial or joint resolution shall be filed by title and/or preamble only. (See also Rule 4.)

### ONE SUBJECT IN A BILL

**RULE 57.** No bill shall embrace more than one subject, and that shall be expressed in the title.

### AMENDATORY BILLS

**RULE 58.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting

such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

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

### READING OF BILLS

**RULE 59.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: **PROVIDED, HOWEVER,** That after the 49th day of every regular session this rule may be suspended by a majority vote.

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

After the first reading, bills shall be referred to an appropriate standing committee.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 46, Sec. 6.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 46.

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

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

### COMMITTEE BILLS

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

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

### SECOND READING

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

### AMENDMENTS

No amendment shall be considered by the senate until it shall have been sent to the desk in writing and read by the secretary, and all amendments on the desk shall be read.

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

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

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

The bill with the amendments, if there be any attached thereto, shall be sent to the committee on claims and auditing which committee shall see that all amendments are properly engrossed upon the original bill, and the bill returned to the secretary before the opening of the senate on the next succeeding day.



### THIRD READING

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

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

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate. (See also Rule 3.)

### SCOPE AND OBJECT OF BILL NOT TO BE CHANGED

**RULE 60.** No amendment to any bill shall be allowed which shall change the scope and object of the bill.

### HOUSE AMENDMENTS TO SENATE BILLS

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to appropriate committee and shall take the same course as for original bills.

### NO AMENDMENT BY MERE REFERENCE TO TITLE OF ACT

**RULE 61.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

### BILLS COMMITTED FOR SPECIAL AMENDMENT

**RULE 62.** A bill may be committed with special instructions to amend at any time before taking the final vote.

### APPROPRIATION BILLS BUDGET

**RULE 63.** Bills appropriating money shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.

No amendment to the general appropriation bill, commonly known as the budget, adding any new item, or items, thereto not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of two-thirds of the senators elected.

### PRINTING OF BILLS

**RULE 64.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

### FURNISHING FULL FILE OF BILLS

**RULE 65.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules:

PROVIDED, HOWEVER, That the secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

#### QUESTION OF CONSIDERATION

RULE 66. When the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read. The question of consideration shall be carried by a majority vote of the senators present.

#### NAMES ON ROLL CALL

RULE 67. The order of names on the roll call shall be determined by the committee on rules.

#### CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE 68. When the names of appointees to state offices are transmitted to the senate for confirmation, the communication from the governor shall be read in full and entered upon the journal.

The president of the senate shall, after the reading, refer the names of such appointees to the appropriate standing committees of the senate.

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

#### REGULATION OF LOBBYISTS

RULE 69. Any persons lobbying on legislation before the senate must register as a lobbyist under the provisions of chapter 42.17 RCW and shall be subject to the rules of the senate.

Any lobbyist not fully complying with the provisions of this rule is subject to having all lobbying privileges cancelled by the senate committee on rules.

#### VOTE ON FREE CONFERENCE COMMITTEE REPORT

RULE 70. No floor vote may be taken on any free conference committee report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the senate.

#### VOTE RECORD OF STANDING COMMITTEES

RULE 71. On any vote in a standing committee one-sixth of the members of such committee may demand that the vote be recorded and filed with the secretary of the senate, who shall preserve such record for a period of four years.

#### RULES TO APPLY FOR BIENNIUM

RULE 72. The permanent senate rules adopted at the regular session shall govern any special session called during the same legislative biennium.

Senator Grant moved adoption of the following amendment:

Delete RULE 63.

Debate ensued.

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

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

## MOTION

At 6:20 p.m., on motion of Senator Walgren, the Senate recessed until 7:15 p.m.

## SECOND EVENING SESSION

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

The President declared the Senate to be at ease.

The President called the Senate to order at 8:10 p.m.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2182.

## SECOND READING

SENATE BILL NO. 2182, by Senators Henry and Bluechel (by Utilities and Transportation Commission request):

Increasing operating tax on certain transportation companies.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2182 was advanced to third reading, the second 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. 2182, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Bluechel, von Reichbauer, Woody—3.

SENATE BILL NO. 2182, having received the constitutional majority, was declared passed. 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. 2933.

## SECOND READING

SENATE BILL NO. 2933, by Senators Francis, Clarke, Marsh and Hayner:

Establishing a judicial qualifications commission contingent upon amendment of the state Constitution.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 5, line 28 after Section 25 add new sections 26 and 27 to read as follows, and renumber the remaining sections accordingly:

NEW SECTION. Sec. 26. There is added to chapter 2.08 RCW a new section to read as follows:

The superior court shall have the following jurisdiction:

(1) Civil. The superior court shall have original jurisdiction in all civil actions. The superior court shall exercise exclusive jurisdiction in actions in which the amount of controversy exceeds three thousand dollars and shall exercise original jurisdiction concurrent with the district court in all actions in which the amount in controversy exceeds one thousand dollars, exclusive of interests and costs.

(2) Criminal. The superior court shall have exclusive original jurisdiction of all felony prosecutions and of misdemeanors which are lesser included offenses within a felony charge and shall exercise original jurisdiction concurrent with the district courts over all misdemeanors and gross misdemeanors.

(3) Appellate. The superior court shall have appellate jurisdiction of civil and criminal cases in district court. Appeals from proceedings in which a record is required by law shall be heard on the record; all other appeals to the superior court shall be tried de novo.

(4) Superior court judges shall have power to issue injunctions and writs of mandamus, quo warranto, review, certiorari, prohibition, and habeas corpus.

NEW SECTION. Sec. 27. The following acts or parts of acts are each hereby repealed:

(1) Section 5, page 342, Laws of 1890, section 3, chapter 38, Laws of 1955 and RCW 2.08.010; and

(2) Section 6, page 343, Laws of 1890 and RCW 2.08.020.

#### POINT OF ORDER

Senator Lewis: "Mr. President, I would have to raise the question of scope and object on my good friend, Senator Pullen. This doesn't seem to be quite as related to the subject matter as I think necessary for this, so I would ask the President if he would take a look at that and see if it does come within scope and object."

Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point of order raised on the amendment proposed by Senator Pullen to Senate Bill 2933, finds that the remarks by Senator Francis and Senator Clarke are well taken, and that the amendment does change the scope and object of the bill. Therefore the point of order is well taken."

The amendment by Senator Pullen was ruled out of order.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2933 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. 2933, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—34.

Voting nay: Senators Grant, Guess, Keefe, Lewis, Mardesich, Odegaard, Pullen, Rasmussen, Scott, Sellar, Talley, Wojahn—12.

Excused: Senators Bluechel, von Reichbauer, Woody—3.

SENATE BILL NO. 2933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### STATEMENT FOR THE JOURNAL

April 14, 1977.

The President's ruling that my amendment to Senate Bill No. 2933 is outside the scope and object of the bill supports my contention that Senate Joint Resolution No. 104 violates Article 23, Section 1, of the state Constitution by simultaneously submitting more than one amendment to the voters. Since my amendment to Senate Bill No. 2933 is the exact same language taken from Senate Bill No. 2936, and since both Senate Bill No. 2933 and Senate Bill No. 2936 are implementing bills for Senate Joint Resolution No. 104, it is clear that separate subjects are dealt with in the two bills. The logical conclusion is that Senate Joint Resolution No. 104 contains at least two distinct and separate subjects not dependent upon or connected with each other.

Signed: Senator Kent Pullen.

### SECOND READING

SENATE BILL NO. 2936, by Senators Francis, Clarke, Marsh and Hayner;

Establishing the jurisdiction of superior courts in accordance with a proposed new judicial article of the state Constitution.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2936 was advanced to third reading, the second 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. 2936, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senators Lewis, Mardesich, Odegaard, Pullen—4.

Excused: Senators Bluechel, von Reichbauer, Woody—3.

SENATE BILL NO. 2936, having received the constitutional majority, was declared passed. 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. 3017.

### SECOND READING

SENATE BILL NO. 3017, by Senators Odegaard and Monohon:

Authorizing transfer of property owned by one port district but located in another.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 3017 was advanced to third reading, the second 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. 3017, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Bluechel, von Reichbauer, Woody—3.

SENATE BILL NO. 3017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

April 14, 1977.

SENATE BILL NO. 3109, adopting the 1977-79 operating budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3109 be substituted for Senate Bill No. 3109 and that the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Rasmussen, Ridder, Sandison, Scott, Walgren, Washington.

#### MOTION

On motion of Senator Donohue, the rules were suspended and Substitute Senate Bill No. 3109 was substituted for Senate Bill No. 3109 and the substitute bill was placed on second reading and read the second time in full.

#### MOTION

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole for the purpose of considering Substitute Senate Bill No. 3109.

#### COMMITTEE OF THE WHOLE

President Pro Tempore Henry in the Chair.

Senator Grant moved adoption of the following amendment to the committee amendment:

Delete the committee amendment to page 44, line 20.

Debate ensued.

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

Substitute Senate Bill No. 3109 was considered in the Committee of the Whole and on motion of Senator Walgren the committee reported back with the recommendation that Substitute Senate Bill No. 3109 do pass.

President Cherberg in the Chair.

#### MOTIONS

On motion of Senator Walgren, the report of the Committee of the Whole was adopted.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 3109 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Day: "Mr. President, would Senator Donohue yield? Senator Donohue, in section 53, subsection 5 the second sentence in the section delineates contracts, which I have no problem with, however there are some fine programs being operated in the state such as the Seattle Community Accountability Program, the Snohomish Alternatives for Youth, the Clark County Project Breakthrough, Spokane's Alternative Services for Juveniles and Yakima's Youth Home Associates. Now, is it the intent of this section that, if granted, these programs would continue in the same manner and mode that they have been operating?"

Senator Donohue: "Yes, Senator Day. It is the intent of this language to generally allow them to continue to operate, however, and I am sure you agree, that the department will have performance criteria in the contracts with these agencies to assure accountability and performance, et cetera."

Senator Day: "Fine, thank you."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Donohue yield? Senator Donohue, in section 68, we are providing an additional nine hundred and twenty-eight thousand dollars for twenty-five FTE staff years to be expended within the safety inspection and educational program, and the question that I would like to ask you, is that your understanding, based on contacts with the department of labor and industries regarding this appropriation, that it is their intent to insure that new inspectors will be properly qualified safety engineers capable of accomplishing the goals and objectives of this program?"

Senator Donohue: "That is correct, Senator. We have talked to the department and they say that they believe it most necessary that they upgrade their staff, and they believe that the employee and the employer will benefit from an educational training program, a program that will enable both parties to recognize and correct cooperatively the problems when an unsafe condition exists."

Senator Guess: "Thank you, Senator."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3109, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senators Gaspard, Gould, Grant, Murray, Odegaard, Pullen—6.

Excused: Senators Bluechel, von Reichbauer, Woody—3.

**SUBSTITUTE SENATE BILL NO. 3109**, having received the 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 Odegaard: "I would just like to explain why I voted 'no' on the budget was for Conference Committee purposes. I am certainly very supportive of the budget. Senator Donohue and Lyle Jacobsen and his staff did a tremendous job and the forty votes for it show it."

#### MOTION

At 9:36 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, April 15, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## THIRTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 15, 1977.

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 Fleming, Francis, Gould, Herr, McDermott, Monohon, von Reichbauer and Woody. On motion of Senator Odegaard, Senators Fleming, Francis, Herr, McDermott, Monohon, von Reichbauer and Woody were excused. On motion of Senator Jones, Senator Gould was excused.

The Color Guard, consisting of Pages Douglas Sawyer and Mary Middleton, presented the Colors. Reverend Frank J. Accardy, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

"LORD, IT HAS BEEN A TOUGH NIGHT, AND THIS MORNING WE FEEL LIKE A HORSE WITH HAY FEVER. WE'VE GOT A BUDGET, AND WE'VE GOT A BOMB SHELL. AND NO MATTER WHICH WAY WE TURN, IT HURTS. WE PRAY THAT THE HOUSE WILL SEE FIT AND ACCEPT OUR DELIBERATIONS. THIS WE PRAY, IN JESUS' 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 12, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, providing for an office and advisory council on archaeology and historic preservation (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Guess, North.

Passed to Committee on Rules for second reading.

April 15, 1977.

HOUSE BILL NO. 286, authorizing humane societies to purchase, possess, and administer sodium pentobarbital for the sole purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

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

Passed to Committee on Rules for second reading.

April 15, 1977.

ENGROSSED HOUSE BILL NO. 344, prohibiting use of foreign beef and mutton in public institutions (reported by Committee on Agriculture):

Recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

April 14, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2338,

SENATE BILL NO. 2447, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 14, 1977.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 3,

SUBSTITUTE HOUSE BILL NO. 105,

HOUSE BILL NO. 113,

HOUSE BILL NO. 115,

SUBSTITUTE HOUSE BILL NO. 163,

SUBSTITUTE HOUSE BILL NO. 267,

ENGROSSED HOUSE BILL NO. 438,

SUBSTITUTE HOUSE BILL NO. 538,

HOUSE BILL NO. 612,

SUBSTITUTE HOUSE BILL NO. 619,

SUBSTITUTE HOUSE BILL NO. 620,

SUBSTITUTE HOUSE BILL NO. 656,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 873,

HOUSE BILL NO. 927,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 14, 1977.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 389, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 3, by Committee on Revenue (originally sponsored by Representatives Kilbury, Boldt and Oliver):

Taxing federal nuclear power generators.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 105, by Committee on Commerce (originally sponsored by Representatives Warnke, Valle, Greengo, Gaines and Sanders):

Revising a definition in economic development law.

Referred to Committee on Commerce.

HOUSE BILL NO. 113, by Representatives Warnke, King, Paris, Valle, Greengo and Gaines:

Authorizing the establishment of foreign trade zones.

Referred to Committee on Commerce.

HOUSE BILL NO. 115, by Representatives Conner and Owen:

Exempting timber harvested by nonprofit organizations from timber taxes where proceeds support youth programs.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 163**, by Committee on Social and Health Services (originally sponsored by Representatives Berentson, Haley, Wilson and Paris):

Eliminating basic science examination requirement for physicians, surgeons, and osteopaths.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 267**, by Committee on Transportation (originally sponsored by Representative Martinis) (by Department of Natural Resources request):

Modifying the law on the acquisition and disposition of public lands for state highways.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 389**, by Representatives Berentson, Hansen, Vrooman, Moreau, Kilbury, Struthers and Charnley:

Regulating traffic control devices used when constructing or repairing railroad crossings.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 438**, by Representatives Sommers and Flanagan:

Changing notice requirements for property appraisals made between December 1 and February 15.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 538**, by Committee on Social and Health Services (originally sponsored by Representatives Hanna, Becker, King, Maxie, Gruger, Douthwaite, Nelson (Gary) and Whiteside:

Regulating social workers.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 612**, by Representatives Hurley (Margaret), McCormick and Gilleland (by Department of Highways request):

Repealing certain laws on the environmental impact of highways.

Referred to Committee on Ecology.

**SUBSTITUTE HOUSE BILL NO. 619**, by Committee on State Government (originally sponsored by Representatives Sommers, Ehlers and Shinpoch) (by State Treasurer request):

Modifying investment authority of the state finance committee.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 620**, by Committee on State Government (originally sponsored by Representatives Sommers, Shinpoch and Ehlers (by State Treasurer request):

Clarifying investment authority of the state finance committee.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 656**, by Committee on Education (originally sponsored by Representatives O'Brien, King, Maxie, Newhouse, Lysen, Clemente, Berentson, Knowles, Hurley (Margaret), Pardini, Bauer, Becker, Kilbury, Adams, Flanagan, Gallagher, McCormick, Fischer, Conner, Gaines, Erickson, May, Grier, Hughes, Greengo and Taller):

Mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 873, by Committee on Natural Resources (originally sponsored by Representatives Vrooman, Martinis, Moreau, Schmitt and Hanna):

Regulating the harvesting of specialized forest products.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 927, by Representatives Flanagan, Hansen and Oliver:

Exempting community college district employees working outside states' boundaries from higher education personnel law.

Referred to Committee on Higher Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, by Committee on Ecology (originally sponsored by Representative Valle):

Enacting an alternative to Initiative 59.

Referred to Committee on Agriculture.

### MOTION

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

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2975, by Committee on Parks and Recreation (originally sponsored by Senators Bluechel, Gould, Murray, Goltz and Hayner):

Relating to the liability of ski resort operators.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2975.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2975, and the bill passed the Senate by the following vote: Yeas, 27; nays, 14; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Gaspard, Goltz, Guess, Hayner, Henry, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Walgren, Wanamaker, Washington, Wojahn—27.

Voting nay: Senators Beck, Donohue, Grant, Keefe, Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Wilson—14.

Excused: Senators Fleming, Francis, Gould, Herr, McDermott, Monohon, von Reichbauer, Woody—8.

SUBSTITUTE SENATE BILL NO. 2975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2399.

## SECOND READING

SENATE BILL NO. 2399, by Senators Bausch, Pullen and Rasmussen:  
Making the day before a legal holiday which falls on Saturday a holiday.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2399 was substituted for Senate Bill No. 2399, 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 1, line 19, after "subdivisions;" strike "except hourly rated faculty employees and those employed on the basis of contracts for a specified number of work days or faculty appointments" and insert "except employees of school districts and non-classified employees of institutions of higher education holding academic year appointments"

## POINT OF INQUIRY

Senator Cunningham: "Would Senator Rasmussen yield to a question? Senator Rasmussen, in declaring this to be a legal holiday, is there any impact on dollars that you are aware of?"

Senator Rasmussen: "No. There would be no additional impact over what there was previously when all employees were granted a holiday and the state government shut down. That was the election day."

Senator Cunningham: "Senator Rasmussen, to continue on that, are there any areas where the state cannot withhold services on Friday which this would now mandate even though the holiday falls on Saturday, we would be required to pay double time plus the holiday pay?"

Senator Rasmussen: "Senator Cunningham, you are talking about an additional part of the bill that I have not touched on, and that does not concern the amendment."

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Rasmussen yield to another question? Senator Rasmussen, as I read this, and I will use Christmas Day falling on a Saturday. Typically, we have not granted Christmas Eve off, and I find nothing in the bill that would indicate that Christmas Eve or New Year's Eve, for that matter, are holidays, but if they fell on Saturday we would have created a new paid day off. Do you find something in the bill that is to the contrary?"

Senator Rasmussen: "State your question again. I didn't—"

Senator Bottiger: "I am reading the bill, and your explanation was we did not intend to grant any additional paid holidays, however, Christmas Eve and New Year's Eve, if they fell on a Saturday, or Christmas Day or New Year's Day, if they fell on a Saturday, this bill would create a new paid holiday being Christmas Eve and New Year's Eve."

Senator Rasmussen: "I don't think that that would be true. It certainly is not the intent. The intent of that particular section of the bill that Senator Cunningham raised a question on, and that you just raised a question on, is that it would clarify as to what day would be the holiday. At the present time it varies. Some groups of state employees get Monday as a holiday, and some get the Friday as a holiday. They all get it because it is scheduled as part of the paid holidays. This just makes it uniform. This was cleared through the office of OPP&FM. All employees at the present time are getting those as holidays because it is spelled out in the contract."

## MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2399, together with the pending amendment by Senator Rasmussen, was ordered to hold its place on the second reading calendar for April 18, 1977.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2332.

## SECOND READING

SENATE BILL NO. 2332, by Senators Bailey, Goltz, Buffington and McDermott:

Establishing the Washington State commission for the blind.

## REPORT OF STANDING COMMITTEE

March 8, 1977.

SENATE BILL NO. 2332, establishing the Washington State commission for the blind (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 5, after "required" and before the period insert "including a biennial report to the governor and the legislature, which report shall include a summary of all rules and regulations adopted pursuant to this chapter"

On page 4, line 17, after "Title 2)" insert a period and strike the remainder of the section.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, McDermott, North, Van Hollebeke, Wojahn.

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 2, section 2, line 21, strike "twenty-five" and insert "thirty-five"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2332 was advanced to third reading, the second 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. 2332, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Henry, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—36.

Voting nay: Senators Clarke, Jones, Newschwander, Scott, Wanamaker—5.

Absent or not voting: Senator Hayner—1.

Excused: Senators Fleming, Francis, Gould, Herr, Monohon, von Reichbauer, Woody—7.

ENGROSSED SENATE BILL NO. 2332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3098.

## SECOND READING

SENATE BILL NO. 3098, by Senator Herr:  
Relating to insurance.

## MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3098 was substituted for Senate Bill No. 3098, 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 2, line 8, after "duty" insert "during an emergency situation"

## MOTION

On motion of Senator Washington, Substitute Senate Bill No. 3098, as amended, was ordered to hold its place on the second reading calendar for April 18, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2558.

## SECOND READING

SENATE BILL NO. 2558, by Senators von Reichbauer, Ridder, Van Hollebeke, Woody, Buffington, Odegaard, Matson, Bluechel and Jones (by Executive request of Governor Ray):

Renaming the department of motor vehicles.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2558 was substituted for Senate Bill No. 2558, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2558 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. 2558, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—41:

Voting nay: Senators Pullen, Talley—2.

Excused: Senators Francis, Gould, Herr, Monohon, von Reichbauer, Woody—

6.

SUBSTITUTE SENATE BILL NO. 2558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2493.

#### SECOND READING

SENATE BILL NO. 2493, by Committee on Higher Education (endorsed by Senators Sandison, Donohue, Goltz, Benitz, Odegaard, Guess and Scott):

Making miscellaneous changes in community college law.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 2493 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 Odegaard, I might call to your attention section 2 which is a new section and reads, 'that notwithstanding any other provisions of law, the terms of present members of community college boards of trustees shall be extended for a period of six months or not later than October first of the year of expiration to carry out the purposes of section one of this amendatory act,' and I question whether that can be done. These are appointments that have to be approved and approved for a certain term by the Senate, and I question whether we can extend every incumbent's term by six months by the passage of a statute. Unless the lawyers here disagree with me, I suggest you perhaps might want to hold this until Monday so we can take a look at it."

Senator Odegaard: "Mr. President, members of the Senate, Senator Van Hollebeke, this particular section amends the present language so that it will enable us to extend their terms six months. In order to make the terms effective, or to change the date from April first to October first, that would be the only way to do it is to extend their terms six months. Otherwise, we would have to strike that whole section of the bill, which is to get that effective and I don't see any problem there. The main thrust of that section is the problem that when new trustees come on board on April first, they usually are in the middle of negotiations at that time with the faculty and employees. When we extend that to October first, then they have had several months experience on the board and they are not in the middle of negotiations usually at that time. That is the purpose of it, and I don't think there is any problem."

#### MOTION

On motion of Senator Van Hollebeke, Senate Bill No. 2493 was ordered held on the third reading calendar for April 18, 1977.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2593.



## SECOND READING

SENATE BILL NO. 2593, by Senators Sandison and Guess:  
Relating to community colleges.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2593 was substituted for Senate Bill No. 2593, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2593 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 Odegaard yield to a question? Senator Odegaard, could you describe the kinds of programs that are being offered to military personnel outside the United States through the community college authority that is granted in the original bill, and what kind of programs would be offered, are available to dependents of those military personnel with the extension of this legislation?"

Senator Odegaard: "Senator Grant, as I understand it, and I am not totally familiar with the programs that are offered, I think that Senator Washington is probably more familiar since Big Bend is in his district. But as I understand it, mainly the types of programs for many of the military and also what the new bill here would do to extend it to dependents and civilians, for those to help them complete their basic education and their GED type high school education and those kinds of programs."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Odegaard yield to a question? Senator Odegaard, is Big Bend the only junior college that is now engaged in this?"

Senator Odegaard: "No."

Senator Rasmussen: "How many others—"

Senator Odegaard: "One other, Olympic at Bremerton, just the two."

Senator Rasmussen: "Olympic, they are at Bremerton, yes, but how far is their program extended?"

Senator Odegaard: "I believe they work with the Naval personnel, and whether it actually extends beyond that, I don't know."

Senator Rasmussen: "Is this set up as a correspondence course, or do we actually have instructors following the Navy ships?"

Senator Odegaard: "As I understand it, we actually have personnel overseas with these people, and they are a part of the Big Bend Community College on their faculty."

Senator Rasmussen: "Are you talking about Olympic now?"

Senator Odegaard: "And Olympic."

Senator Rasmussen: "Both Olympic and Big Bend have faculty all over the world, then?"

Senator Odegaard: "Not all over the world, Senator Rasmussen. I think it is mainly in Germany, and Olympic's program, I haven't heard so much about as Big Bend. I think Big Bend has actually been in it more than Olympic has. Senator

Walgren might be a little more familiar with Olympic's program than I would be and could answer it better than I."

Further debate ensued.

#### MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 2593 was ordered held on the third reading calendar for April 18, 1977.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2485.

#### SECOND READING

SENATE BILL NO. 2485, by Senators Bottiger, Guess, Wanamaker and Beck (by Department of Highway request):

Establishing new functional classifications for highways.

#### REPORT OF STANDING COMMITTEE

February 15, 1977.

SENATE BILL NO. 2485, establishing new functional classifications for highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after the comma and before "and" insert "report thereon to the legislature biennially"

On page 1, line 29, before "service" strike "intercounty" and insert "interregional"

On page 2, line 7, before "function" strike "collection" and insert "collector"

On page 2, line 12, after "relating" and before "the functional" strike "the" and insert "to"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

Senator Beck moved adoption of the following amendment:

On page 2, line 32, strike all of section 3 and add the following new section:

NEW SECTION. Sec. 3. Section 1 of this 1977 act modifying the functional classification of state highways shall apply to the long range plan for highway improvements and to the six year program for highway construction commencing July 1, 1979 and to the preparation thereof and shall take effect July 1, 1977. Section 2 of this 1977 act shall take effect July 1, 1979."

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Beck would yield to a question? Senator Beck, you put off the effective date of the implementation of the act into the July 1, '79 period, and that will be after our next session. I am not so sure that you will have the authority at that time to implement what you attempt to implement."

Senator Beck: "Senator Mardesich, this is going to require considerable phasing out of the existing classifications of highways. The current budget which was submitted to us is based upon the current classifications and it would require completely

rewriting the highway budget, and to take care of this, we made this effective right away.

"What it does for all practical purposes is it will start going into effect and will enable the highway department to go ahead and expend the budget which we are going to adopt at this session, beginning July 1, 1977—"

Senator Mardesich: "But my point is—"

Senator Beck: "—and it terminates on June 30, 1979."

Senator Mardesich: "My point is though, in January through whenever we are finished in '79, we will have passed a new budget, right? Next budget?"

Senator Beck: "Yes, in January, '79, there will be a new budget."

Senator Mardesich: "Which should be based on this new classification system."

Senator Beck: "That is right. This will give them opportunity to begin a long two-year phase-in of the program."

Senator Mardesich: "My point is that this effect, this law that you now are passing, setting up the new system will not take effect until July 1, '79, and yet you are going to try to implement it—"

Senator Beck: "If you will notice, 'the preparation thereof shall take effect July 1, 1977'. Read the entire amendment."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate and Senator Mardesich, our problem is that we have a budget based on the old priority array. We are asking the highway department to establish a new one for the budget to become in effect in 1979. You will notice on the next to the last line from the bottom, we say that the new array becomes effective in '71, but section 2, the implementation section, is in '79."

#### POINT OF INQUIRY

Senator Rasmussen: "All right, Senator Beck, a question. Senator Beck, parts of this you want to become effective July first, but it does not contain an emergency clause spelling that out, and the ninety days for a law to become effective will be later than that."

Senator Beck: "If you will just read the amendment, Senator Rasmussen, it says, 'Section one of this act, of this 1977 act, modifying the functional classification of state highways shall apply to the long range plan for highway improvement, and to the six year program for highway construction commencing July 1, 1979 and to preparation thereof, and shall take effect July 1, 1977. Section two of this act shall take effect on July 1, 1979.' I interpret that that this gives them an opportunity to prepare a long range plan. Senator Bottiger, maybe you interpret it differently, I don't know."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate, Senator Rasmussen, you are absolutely right in that on July 1, 1977 the new act will not come into effect. It will come into effect ninety days after we adjourn, so that phrase 'July 1, '77' is actually ineffective. However, what we are doing is telling the highway department that in preparing the budget for two years from now, 'use this new classification,' and I am sure the forty-five days delay or so in their getting started won't make any real effect."

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

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

On page 1, line 4 of the title, after "providing" strike "an" and after "effective" strike "date" and insert "dates"

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2485 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. 2485, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Voting nay: Senator Grant—1.

Excused: Senators Francis, Gould, Herr, Monohon, von Reichbauer, Woody—6.

ENGROSSED SENATE BILL NO. 2485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2061, by Senators Day, Jones and Buffington:

Regulating proprietary hospitals.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2061 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### MOTION

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

### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Day yield to a question? Senator Day, on line 27, it reads, 'includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment.' My question is it is my understanding in reading recent news releases that this is settling down to about three large profit making chains, stockholder held."

Senator Day: "Presently in the state there are about six or seven proprietary hospitals."

Senator Rasmussen: "I am talking about nationwide, they are gradually taking over. Why should we guarantee any stockholder held, profit making corporation a fair return? We ordinarily do not do that. The stockholders take their chances without having a guarantee of profit."

Senator Day: "Well, I understand that, but when you are regulating their rates it doesn't guarantee them a profit, but it does guarantee that in those rates that a consideration for a return on their investment will be a part of the rate making process, Senator. We are not guaranteeing them a profit. What we are saying is that in the regulation of rates, the determination of what they want the cost of the facility computed on the basis of original cost or on the basis of fair value of the investment for purposes of rate making. Certainly the people who invested the money should be

entitled to at least interest on their money, and that is what this is talking about. Do you understand?"

Senator Rasmussen: "Yes, Senator Day. I only wish that same guarantee would apply to any investments that I or anybody else on this floor may make in a stockholder's private corporation that we should have a fair return. It doesn't work out that way out in the world."

Senator Day: "That is true, but when we make an investment, it isn't regulated as to what we can charge for the services or where we make the investment isn't regulated as to what the price of the commodity can be, and this is, and so therefore they have to have some basis upon which to compute a fair return on the amount of money or the value of the property that they have invested in. Otherwise, there would be no proprietary hospitals because they wouldn't allow them any rate of return. I don't think that is what you want to do, Senator."

Senator Rasmussen: "That is not the experience. We are gradually getting just three separate ones that are major ones."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Day yield? Senator Day, as I read the language under the laws that existed before, someone builds a hospital, they are allowed a fair return on the investment—"

Senator Day: "Correct. There was some question, Senator, whether that—"

Senator Mardesich: "—or the fair value of the investment, nevertheless. Now this could affect, of course, our medical payments through the budget. Someone builds a hospital currently, today. Let's go back ten years ago, twenty years ago they build it. Up to this time they have been allowed a fair return on their investment under the law as it is currently drafted. Let's assume they have depreciated it a hundred percent over the twenty year period. They are now able to put a fair market value on that for depreciation purposes and begin again, and that is quite different from a fair return on investment."

Senator Day: "Yes, I understand that, but the reason for this is that there was a question about the 1973 hospital regulation act as to whether it abrogated an existing contract. Consequently, there was a question whether the rate commission could regulate at all. Now what this is intended to do is to get by that contractual problem and to allow them a choice of which way to go, and once they go that way, they cannot change the method they have chosen unless they go back to the rate commission to do it, and as I understand it, this will get by the problem for only those profit making hospitals. Now, the number changes. At one time there were nine. I believe there are six or seven only now out of the hundred and eight or nine in the state, so we are only talking about a relatively small number of hospitals. What the rate commission is trying to do is get this in a position where they are not confronted with a lawsuit saying that you have abrogated an existing contract when they attempt to regulate the rate structure, and a component of that rate structure is a fair rate of return on investments."

Senator Mardesich: "I don't know what the question is with respect to abrogation of contract, but this allows everyone to begin anew with depreciation if they desire, if they are completely depreciated—"

Senator Day: "As I understand it, it would only apply to proprietary, profit making hospitals."

Senator Mardesich: "I understand that, too—"

Senator Day: "—Line 23, you mean every one of the six or seven in existence."

Senator Mardesich: "Right."

Senator Day: "But that is correct, however that would have to be because any one of them would be affected by the abridgement of contract problem, and consequently, it is necessary for us to change this so that the hospital rate commission can substantiate their position and proceed."

Debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Will Senator Day yield? Senator, in any way, would this bill work to protect—we know that welfare patients and people on relief and things like that do not have to pay, the state does not pay the going rate, so that a private patient has to subsidize the state patients. Will this be a bill that will allow the state to get that up there where they should be?"

Senator Day: "No, to correct what you have said, since Medicare became effective the hospital rates paid by the state are dictated by the Medicare law. You know, the nursing homes are still running up and down here not getting rates that they say will pay their costs, even, but not the hospitals, because since Medicare, the Medicare act dictates what the state must pay for Medicaid rates. They must pay ninety-nine percent of the effective cost of the preceding year, so this will, in no way, affect that and there are only about six or seven of these in the state. This will not affect any of the so-called not-for-profit hospitals, and of course, that, the vast majority, about a hundred of them are not for profit. The number does change as they close these hospitals. This only affects the proprietary hospital, and the only reason the hospital rate commission has requested the bill is because they, at the moment, cannot effectively regulate them because of the question of abrogation of contract, and that is what this bill is intended to get around."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2061, and the bill passed the Senate by the following vote: Yeas, 30; nays, 8; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Guess, Hayner, Henry, Jones, Keefe, Marsh, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker—30.

Voting nay: Senators Bluechel, Grant, Mardesich, McDermott, Newschwander, Rasmussen, Wilson, Wojahn—8.

Absent or not voting: Senators Fleming, Washington—2.

Excused: Senators Benitz, Francis, Gould, Herr, Lewis, Matson, Monohon, von Reichbauer, Woody—9.

SENATE BILL NO. 2061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2681.

#### SECOND READING

SENATE BILL NO. 2681, by Senators Donohue and Odegaard:  
Relating to the support of state government.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2681 was substituted for Senate Bill No. 2681, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2681 was advanced to third reading, the second 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. 2681, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senator Fleming—1.

Excused: Senators Benitz, Francis, Gould, Herr, Lewis, Matson, Monohon, von Reichbauer, Woody—9.

SUBSTITUTE SENATE BILL NO. 2681, having received the 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. 2338,  
SENATE BILL NO. 2447.

## MOTION

At 12:55 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, April 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 18, 1977.

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 Cunningham, Fleming, Gould, Guess, Mardesich, North, Ridder, Sandison, Scott and Woody. On motion of Senator Jones, Senators Cunningham, Guess and Scott were excused. On motion of Senator Odegaard, Senators Ridder, Sandison and Woody were excused.

The Color Guard, consisting of Pages Karen Kalen and Berne Mathison, presented the Colors. Reverend Richard W. Hart, pastor of First Baptist Church of Olympia, offered the following prayer:

"O GOD, OUR HELP IN AGES PAST, OUR HOPE FOR YEARS TO COME, WE ARE SILENT FOR THESE FEW SACRED MOMENTS AT THE BEGINNING OF THIS ANOTHER LEGISLATIVE WEEK BECAUSE THERE IS YET THE DESIRE TO HEAR AGAIN YOUR STILL SMALL VOICE. KEEP EACH OF US EVER AWARE OF THE UNIQUE PRIVILEGE THAT IS OURS JUST TO BE HERE IN THIS HIGH CHAMBER. OPEN OUR EYES AND REMIND US AGAIN THAT TO WHOM MUCH IS GIVEN MUCH IS ALSO REQUIRED. AND THEN, O LORD, WITH A STRENGTH FROM BEYOND OURSELVES, MAY WE ATTACK AGAIN THE DIFFICULT PROBLEMS STILL STARING US IN THE FACE WHILE AT THE SAME TIME CLAIMING YOUR PROMISE OF GRACE SUFFICIENT TO MEET THE TASK OF THE DAY. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

April 12, 1977.

SENATE BILL NO. 2877, revising laws on ethics and disclosure (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2877 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Lewis, Monohon, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1977.

SENATE BILL NO. 2935, providing for the funding of the superior courts in accordance with the proposed judicial article of the state Constitution (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2935 be substituted therefor and be referred to Committee on Ways and Means.

Signed by: Senators Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

Referred to Committee on Ways and Means.



## MESSAGES FROM THE HOUSE

April 15, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2184, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 15, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2175, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2184.

## MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2493.

## THIRD READING

SENATE BILL NO. 2493, by Committee on Higher Education (endorsed by Senators Sandison, Donohue, Goltz, Benitz, Odegaard, Guess and Scott):

Making miscellaneous changes in community college law.

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "On 2493 I had explained the bill last Friday, and the question came up by Senator Van Hollebeke whether we could legally extend the dates of the trustees by six months. Our staff has checked that out with the attorney general's office. Phil Austin informs us that there is no problem in doing that. He said if it were a proposed legislation in federal Congress there could be a problem, but there is no constitutional problem and there is no other problem within our own state. Of course this section of the bill is amending old language to allow this to happen, and the reason for it is to remind you of the reason to extend the date six months because we changed the present date of when trustees take office of April first to October first.

"The reason for that is that the new trustees who come on line on April first begin serving in the middle of local budget negotiations oftentimes, where by in October there is very seldom any negotiations going on having to do with budgets, and so it was recommended to us by the trustees as the higher education committee traveled to the different community colleges that the date be moved to October first."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2493.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2493, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 4; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senators Fleming, Gould, Mardesich, North—4.

Excused: Senators Cunningham, Guess, Ridder, Sandison, Scott, Woody—6.

SENATE BILL NO. 2493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### SECOND READING

SENATE BILL NO. 2104, by Senators Peterson, Talley and Wanamaker:  
Authorizing salmon license limitations.

### MOTIONS

On motion of Senator Peterson, Second Substitute Senate Bill No. 2104 was substituted for Senate Bill No. 2104, and the second substitute bill was placed on second reading and read the second time in full.

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

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

On page 3, line 29, after "transferable" and before the period insert "PROVIDED, That the status of vessels qualified or disqualified for licenses prior to January 1, 1978 shall not be affected by passage of this act"

On motion of Senator Peterson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2104 was advanced to third reading, the second 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. 2104, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Fleming, Mardesich—2.

Excused: Senators Cunningham, Gould, Guess, North, Ridder, Sandison, Scott, Woody—8.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 14, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3047, with the following amendments:

On page 2, add new sections following section 2, as follows:

"Sec. 3. Section 10, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34-.065 are each amended to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than ~~((five))~~ four years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental", capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease ~~((for a period of at least three years))~~ to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. There shall be added to the rental received or computed an amount to represent federal agricultural subsidies if appropriate and not otherwise included. If "net cash rental" data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than ~~((five))~~ four years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

With respect to farm and agricultural land classified or under application for classification pursuant to chapter 84.34 RCW which is being leased or is available for lease, lease payment amounts shall be disclosed to the county assessor or department of revenue upon request.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in RCW 84.34.145, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term "rate of interest" shall mean the weighted average rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, (a) averaged over the immediate past ((five)) four years and (b) weighted by the estimated dollar volume of such loans made in each year.

~~((The "rate of interest" shall be determined annually by the revenue department of the state of Washington, and such determination shall be published not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals by any~~

~~owner of farm or agricultural land or the assessor of any county containing farm and agricultural land:))~~

(3) The "component for property taxes" shall be a percentage equal to the estimated ((~~millage rate times the legal assessment ratio~~)) levy rate multiplied by the ratio of current-use value in the county to equalized true and fair value of those properties classified under this chapter.

(4) The rate of interest and component for property taxes shall be determined by the department of revenue of the state of Washington. Such determinations shall be published not later than January 1st of each year for use in that assessment year. The determination of the department of revenue may be appealed to the state board of tax appeals by any owner of land affected by the determination or by the assessor of any county.

NEW SECTION. Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

A five member committee consisting of two representatives designated by the assessors association, one representative designated by the association of counties, and one representative designated by the United States department of agriculture cooperative extension service, and chaired by a representative designated by the department of revenue shall serve in a review capacity in the implementing of open space current use assessment guidelines.

The committee shall:

(1) Review, as deemed necessary by the committee, the procedures and methodology of current use assessment of open space land as defined in RCW 84.34.020.

(2) Advise the legislature concerning the administration of the laws governing current use assessment of open space land; and proposed changes to said law; and

(3) Make recommendations to the assessors of those counties in which the department of revenue determines that the department's estimate of current use value differs from assessed current use value by more than ten percentage points."

Renumber the remaining section consecutively.

On page 1, line 5 of the title, after "84.34.035;" add "amending section 10, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.065; adding a new section to chapter 84.34 RCW;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3047, and asks the House to recede therefrom.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2429.

#### SECOND READING

SENATE BILL NO. 2429, by Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request):

Revising the regulation of charitable solicitations.

## REPORT OF STANDING COMMITTEE

March 16, 1977.

SENATE BILL NO. 2429, revising the regulation of charitable solicitations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 19, after "activities" and before "conducted" insert ", raffles, and amusement games"

On page 5, line 16, after "Any" strike all the material down through and including "funds," on line 18 and insert "charitable organizations ((which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds;))"

On page 6, add a new subsection following subsection (6) to read as follows:

"(7) Solicitations by volunteer hospital organizations affiliated with non-profit hospitals whose budgets are subject to review by the Washington state hospital commission according to RCW 70.39 when: net proceeds of such solicitations are used solely to improve or maintain tax exempt health care services or facilities of such institutions; the solicitation is carried on solely by persons who are unpaid for their services and inures to the benefit of, or is paid to any officer or member; and no professional fund raiser or solicitor is employed or retained for compensation in connection with such solicitations."

On page 6, strike all of section 3 and renumber the remaining sections consecutively.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Jones, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to pages 4, 5 and 6 adding a new subsection (7) were adopted.

## POINT OF INQUIRY

Senator Day: "Would Senator Francis yield? Senator Francis, in your amendment of subsection 2, line 16, on page 5 which was your second amendment, you struck, in the amendment, 'religious or educational purposes.' Now, my question is when you now only define charitable organizations as qualifying, what does that do to private schools that run certain types of endeavors to raise funds for educational purposes?"

Senator Francis: "Senator Day, I refer you to the definition section which is on page 2 of the bill, defining 'charitable organization' which includes educational, philanthropic, patriotic, eleemosynary, recreational or fraternal, and so I would say that if it affects anything, it would affect possibly the religious aspect, although even there if it were for an educational purpose of a religious organization, such as for a church school or something like that, they would still be O.K."

"On the other hand, if it were not, and it were a direct thing such as people selling candy door to door and saying that it is for a certain church, it may be that they would have to comply and show that they were really representing this church and that is really where the money is going and so forth."

On motion of Senator Francis, the committee amendment to page 6, striking all of section 3, was adopted.

## MOTION

On motion of Senator Francis, Senate Bill No. 2429, as amended, was ordered held for further consideration this afternoon.

## MOTION

At 11:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:35 p.m.

## NOON SESSION

The President called the Senate to order at 12:35 p.m.

## MOTIONS

On motion of Senator Odegaard, Senators Fleming and Mardesich were excused.

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2593.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2593, by Committee on Higher Education (originally sponsored by Senators Sandison and Guess):

Authorizing certain community college programs for military personnel and their dependents, department of defense civilians and their dependents and for U.S. veterans.

## MOTIONS

On motion of Senator Walgren, the rules were suspended and Substitute Senate Bill No. 2593 was returned to second reading.

On motion of Senator Grant, the following amendment was adopted:

On page 1, line 13, after "PROVIDED, That" insert "such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That"

On motion of Senator Odegaard, the following amendments were considered and adopted simultaneously:

On page 1, line 11, after "dependents," insert "and"

On page 1, line 12, after "dependents," strike "and United States veterans,"

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute Senate Bill No. 2593 was advanced to third reading, the second 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. 2593, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Excused: Senators Cunningham, Fleming, Guess, Mardesich, North, Sandison, Scott—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2593, having received the constitutional 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 12:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 19, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, April 19, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Guess. On motion of Senator Jones, Senator Guess was excused.

The Color Guard, consisting of Pages Blake Nelson and Lynnelle Caker, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, AS THE BEAUTY OF YOUR CREATION SURROUNDS US AND FLOWS INTO OUR LIVES AGAIN THIS DAY WE ARE REMINDED OF THE DECLARATION OF THE PSALMIST, 'O LORD, OUR LORD, HOW MAJESTIC IS THY NAME IN ALL THE EARTH.' IN THIS QUIET MOMENT, WE ASK THAT ONCE AGAIN YOU WILL REACH OUT TO US. TOUCH US WITH YOUR HOLY PRESENCE AND ASSURE US THAT IN OUR STRUGGLE TO BRING FORTH GOOD LEGISLATION AND JUSTICE FOR THE PEOPLE OF THIS STATE THAT WE DO NOT WALK ALONE. AMEN."

**MOTION**

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORT OF STANDING COMMITTEE**

April 13, 1977.

SUBSTITUTE HOUSE BILL NO. 928, revising energy emergency powers and procedures (reported by Committee on Energy and Utilities):

MAJORITY Recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE HOUSE**

April 18, 1977.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 219,

SUBSTITUTE HOUSE BILL NO. 327,

ENGROSSED HOUSE BILL NO. 543,

SUBSTITUTE HOUSE BILL NO. 546,

SUBSTITUTE HOUSE BILL NO. 678, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 15, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2338,



SENATE BILL NO. 2447, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 19, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2184, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Burns, Hughes and Lux):

Changing the dates for primary elections and for filing declarations of candidacy.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 327, by Committee on Local Government (originally sponsored by Representatives Thompson, Chandler and Bender):

Providing for the certification and regulation of operators of public water supply systems.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 543, by Representatives May, Becker and Charnley:

Funding public transportation systems.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 546, by Committee on Transportation (originally sponsored by Representatives Douthwaite, Conner, Lysen, Lux, Eng, Becker, Nelson (Dick), Enbody, Grier, Charnley, Struthers, Clayton, Nelson (Gary), Dunlap, Sherman, Bender, Maxie, Tilly, Heck, Clemente, Kreidler, Patterson, Berentson, Chandler and Craswell):

Facilitating the use of mopeds.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 678, by Committee on Agriculture (originally sponsored by Representatives Kilbury, Amen, Vrooman, Hansen and Barr):

Modifying the law on theft of livestock.

Referred to Committee on Agriculture.

### MOTION

At 10:12 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

### NOON SESSION

The President called the Senate to order at 11:50 a.m.

### MOTION

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Joint Resolution No. 104.

## THIRD READING

ENGROSSED SENATE JOINT RESOLUTION NO. 104, by Senators Francis, Clarke, Marsh and Van Hollebeke:  
Amending the Constitution to adopt a new judicial article.

## MOTIONS

On motion of Senator Francis, the rules were suspended and Engrossed Senate Joint Resolution No. 104, on reconsideration, was returned to second reading.

Senator Grant moved adoption of the following amendment:

On page 5, line 34, after "necessary." add the following sentence: "The financial transactions, records, and accounts of all courts and all other agencies of the judicial branch, however denominated, are and shall be subject to audit as the legislature may prescribe."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Clarke yield to a question? Senator Clarke, at first I thought you were saying that Senator Grant's amendment should wait until you have considered yours, and in the latter part of your speech you indicated you just didn't want any part of Senator Grant's amendment. I think that Senator Grant should have a chance to offer his amendment to the amended version of Senate Joint Resolution No. 104."

Senator Clarke: "Well, Senator, that is a matter, perhaps, of parliamentary procedure. I think that if you adopt the philosophy that you want to present one issue at a time, I am simply saying that some of us feel that we should isolate this question of discipline of the courts, and it is a completely separate issue from that offered by Senator Grant.

"I think that Senator Grant's amendment from a parliamentary standpoint as the matter now stands before us is entirely proper. I am suggesting, however, from a practical standpoint that I urge you to vote that amendment down and then to adopt the amendment which will then be proposed by Senator Francis and myself, and which will present the single, clear-cut issue of the disciplinary board."

There being no objection, on motion of Senator Grant, the amendment was withdrawn.

Senator Francis moved adoption of the following amendment by Senators Francis and Clarke:

On page 1, beginning on line 5, after "to" strike the remainder of the resolution and insert "Article IV of the Constitution of the state of Washington by adding a new section to read as follows:

Article IV, section . . . . .

The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.

The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the judicial qualifications commission recommends after notice and hearing that action be taken and the supreme court conducts a hearing after notice to review commission proceedings and findings against a judge or justice.

The judicial qualifications commission shall consist of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and two persons who are not attorneys appointed by the governor and confirmed by the senate.

The legislature shall provide for commissioners' terms of office and commission proceedings including due process and confidentiality of proceedings.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Debate ensued.

Senator Grant moved adoption of the following amendment to the amendment by Senators Francis and Clarke:

Amend the Francis/Clarke amendment to page 1, on line 5, as follows:

Before "BE IT FURTHER RESOLVED" of the last paragraph of the amendment, insert the following sentence: "The financial transactions, records, and accounts of all courts and all other agencies of the judicial branch, however, denominated, are and shall be subject to audit as the legislature may prescribe."

#### POINT OF ORDER

Senator Jones: "Mr. President, I would raise the question of scope and object on this amendment."

Debate ensued.

#### MOTION

On motion of Senator Francis, Engrossed Senate Joint Resolution No. 104, together with the amendment by Senators Francis and Clarke, the amendment to the amendment by Senator Grant, and the Point of Order raised by Senator Jones, was made a special order of business for 1:15 p.m. today.

#### INTRODUCTION OF MASON COUNTY FOREST FESTIVAL ROYALTY

The President introduced the royalty from the Mason County Forest Festival and with permission of the Senate business was suspended to permit Queen Tammy to address the Senate.

#### MOTION

At 12:05 p.m., on motion of Senator Marsh, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

#### SPECIAL ORDER OF BUSINESS

#### SECOND READING

ENGROSSED SENATE JOINT RESOLUTION NO. 104, by Senators Francis, Clarke, Marsh and Van Hollebeke:

Amending the Constitution to adopt a new judicial article.

The time having arrived, the Senate resumed consideration of Engrossed Senate Joint Resolution No. 104 from earlier today.

Senator Jones had raised a Point of Order on the following amendment by Senator Grant to the amendment by Senators Francis and Clarke:

Amend the Francis/Clarke amendment to page 1, on line 5, as follows:

Before "BE IT FURTHER RESOLVED" of the last paragraph of the amendment, insert the following sentence: "The financial transactions, records, and accounts of all courts and all other agencies of the judicial branch, however, denominated, are and shall be subject to audit as the legislature may prescribe."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Jones has questioned the scope and object of Senator Grant's amendment to the Senate floor amendment by Senators Francis and Clarke to Senate Joint Resolution No. 104.

"The proposed floor amendment by Senators Francis and Clarke to Senate Joint Resolution No. 104 is an amendment to the Judicial Article of the Constitution. The amendment gives to the supreme court disciplinary powers over all judicial officers and officers of the court, subject to prior inquiry and hearings before a judicial qualifications commission, consisting of judges, members of the bar, and laymen, to be established by legislative enactment.

"Senator Grant's amendment subjects all financial transactions, records and accounts of all courts and other agencies relating to the judicial branch, to legislative audit, to be established in detail by legislative enactment.

"In view of the fact that the Senate is dealing in this instance with an amendment to a proposed constitutional amendment, to which the narrow construction imposed by the Constitution, pursuant to Article II, section 19, relating to bills is inapplicable, the President rules that Senator Grant's amendment is encompassed within the general scope of the disciplinary powers of the supreme court over judicial officers and agencies, expressed in the floor amendment of Senators Francis and Clarke. Therefore, the point of order is not well taken."

The amendment by Senator Grant to the amendment by Senators Francis and Clarke was ruled to be in order.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Grant to the amendment by Senators Francis and Clarke.

The amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senators Francis and Clarke.

The motion by Senator Francis carried and the amendment was adopted.

On motion of Senator Francis, the rules were suspended, Reengrossed Senate Joint Resolution No. 104 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Joint Resolution No. 104, and the resolution passed the Senate, on reconsideration, by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Voting nay: Senator Henry—1.

Excused: Senator Guess—1.

REENGROSSED SENATE JOINT RESOLUTION NO. 104, having received the constitutional two-thirds majority, on reconsideration, was declared passed.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Hiroshi Washio, Speaker of the Hyogo Prefectural Assembly from Kobe and Kyoichiro Hoshikawa, Assistant Chief of the General Affairs Section of the Hyogo Prefectural Assembly office and appointed Senators Walgren, Newschwander, Peterson, Clarke, Sandison and Matson as a committee of honor to escort the guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Mr. Washio to address the Senate. The President introduced Mr. Hoshikawa and the interpreter, Kotaro Yamada to the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Resolution No. 113.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 113, by Senators Van Hollebeke, Francis, Washington, Jones, Day, Mardesich, Marsh, Murray, Goltz, Bailey, Benitz, von Reichbauer, Grant, Ridder, Bluechel, Walgren, Matson, Hayner, Bottiger, Sellar, Henry, Gaspard, Newschwander, Lewis, Woody and Bausch:

Amending the Constitution to increase the jurisdictional limits of justices of the peace.

The resolution was read the second time in full.

On motion of Senator Francis, the rules were suspended, Senate Joint Resolution No. 113 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Vice President Pro Tempore Henry assumed the Chair.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 113, and the resolution passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Cunningham, Murray—2.

Excused: Senator Guess—1.

SENATE JOINT RESOLUTION NO. 113, having received the constitutional two-thirds majority, was declared passed.

President Cherberg assumed the Chair.

There being no objection, the Senate returned to the first order of business.

### REPORTS OF STANDING COMMITTEES

April 19, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 123, making unlawful the commercial selling of term papers, theses or other work assignments utilized for postsecondary education purposes (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 19, 1977.

SUBSTITUTE HOUSE BILL NO. 601, revising gambling laws on card games (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

April 18, 1977.

HOUSE BILL NO. 623, exempting capital expenditures of nonprofit water associations from gross income for public utility tax purposes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder, Sandison, Scott, Walgren, Woody.

Passed to Committee on Rules for second reading.

April 18, 1977.

ENGROSSED HOUSE BILL NO. 727, changing laws on reporting of vehicle accidents (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

April 19, 1977.

R. STUART KIRK, to the position of member of the Board of Trustees for Spokane Community College, District No. 17, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding David Roberts (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

ED ELLIS, to the position of member of the Board of Trustees for Yakima Valley Community College, District No. 16, appointed by the Governor on March

25, 1977 for the term ending April 3, 1979, succeeding Mary K. Skinner (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

MARY LOUISE STOUGH, to the position of member of the Board of Trustees for Centralia Community College, District No. 12, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Vernon L. Martin (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

SHIRLEY DOLORES BARRETT COBB, to the position of member of the Board of Trustees for Skagit Valley Community College, District No. 4, appointed by the Governor on March 25, 1977 for the term ending April 3, 1981, succeeding Norman Dahlstedt (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

STANLEY C. GILLIES, to the position of member of the Board of Trustees for Grays Harbor Community College, District No. 2, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

ELAINE Y. ZAKARISON, to the position of member of the Board of Trustees for Spokane Community College, District No. 17, appointed by the Governor on March 25, 1977 for the term ending April 3, 1981, succeeding Charles T. Fanning (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

JOHN WHITTAKER, to the position of member of the Board of Trustees, Western Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 8, 1982, succeeding Rita Jean Butterworth (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

FRED C. ENLOW, to the position of member of the Board of Trustees, Eastern Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 8, 1982, succeeding Merle Haffner (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

YVONNE C. MONTCHALIN, to the position of member of the Board of Trustees for Clark Community College, District No. 14, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Diane E. Frichtl (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

DIPTIMAN CHAKRAVARTI, to the position of member of the Board of Regents, Washington State University, appointed by the Governor on March 28, 1977 for the term ending March 9, 1983, succeeding Michael Dederer (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

INA V. KNUTSEN, to the position of member of the Board of Trustees for Shoreline Community College, District No. 7, appointed by the Governor on April 4, 1977 for the term ending April 3, 1980, succeeding John B. Hughes (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

NORMAN R. MILLER, to the position of member of the Board of Trustees for Columbia Basin Community College, District No. 19, appointed by the Governor on March 28, 1977 for the term ending April 2, 1981, succeeding C. J. Mitchell (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.



April 19, 1977.

F. DAN BERTRAND, to the position of member of the Board of Trustees for Wenatchee Valley Community College, District No. 15, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding J. K. McArthur (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

JAMES E. MINOR, to the position of member of the Board of Trustees for Columbia Basin Community College, District No. 19, appointed by the Governor on March 28, 1977 for the term ending April 3, 1982, succeeding Guy D. Adams (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

AURELIA L. DEL FIERRO, to the position of member of the Board of Trustees for Seattle Community College, District No. 6, appointed by the Governor on April 4, 1977 for the term ending April 3, 1982, succeeding Mrs. Vi Mar (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

April 19, 1977.

JAMES CALEY, to the position of member of the Board of Trustees for Clark Community College, District No. 14, appointed by the Governor on March 25, 1977 for the term ending April 3, 1981, succeeding Clarence Irwin (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules.

## REPORT OF STANDING COMMITTEE

April 19, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, enacting "The Education Act of 1977" (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senator Murray.

Passed to Committee on Rules for second reading.

## MOTIONS

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 960 was advanced to second reading.

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 960 was ordered placed on the second reading calendar for April 20, 1977.

At 2:20 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, April 20, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 20, 1977.

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 Francis. On motion of Senator Odegaard, Senator Francis was excused.

The Color Guard, consisting of Pages Sharen Kaler and Mike Gardiner, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"OUR FATHER, THE NIGHT IS GONE AND THE GLORY OF THE MORNING HAS ALREADY SETTLED IN AROUND US. GIVE US THE POWER AND WILL TO BE OUR BEST SELF TODAY. SAVE US FROM DULL ROUTINENESS THAT SLOWLY BUT SURELY DESTROYS OUR ENTHUSIASM. FREE US FROM JUST GOING THROUGH THE MOTIONS, EVEN WHEN WE PRAY BECAUSE THAT TOO CAN DEADEN THE JOY OF BEING ALIVE. AND THEN, O LORD, WITH YOUR DIVINE HELP, MAY WE SPEAK A FREEING WORD TO SOMEONE ELSE BY OUR VOTE AND THROUGH OUR PERSONAL CONTACTS THIS DAY. GRANT US WISDOM, GRANT US COURAGE FOR THE LIVING OF THESE DAYS. IN THE NAME OF JESUS WHO GAVE HIMSELF FOR US. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

April 18, 1977.

SENATE BILL NO. 2085, designating regional universities (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2085 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Marsh, Morrison, Murray, Ridder, Sandison, Scott, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

April 18, 1977.

SENATE BILL NO. 2086, establishing salaries for certain state elected officials and members of the judiciary (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2086 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Marsh, Rasmussen, Sandison, Walgren, Washington, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Clarke, Morrison, Murray, Newschwander, Ridder, Scott.

Passed to Committee on Rules for second reading.

April 18, 1977.

SENATE BILL NO. 2506, redistributing moneys from the liquor revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2506 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Marsh, Morrison, Murray, Newschwander, Rasmussen, Ridder, Sandison, Scott, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

April 18, 1977.

SENATE BILL NO. 2690, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Bill No. 2690 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Matson, Morrison, Rasmussen, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2839, exempting certain transmission and reception property of nonprofit corporations from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 3053, redesignating rights relative to dismissal of community college faculty (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3053 be substituted therefor and the substitute bill do pass.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 15, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, requiring speedometers on locomotives (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.

Passed to Committee on Rules for second reading.

April 19, 1977.

SUBSTITUTE HOUSE BILL NO. 402, requiring state agencies to submit budgets that may or may not require increased taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

April 19, 1977.

HOUSE BILL NO. 580, making the possession of a device to evade telephone toll charges a felony (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

April 19, 1977.

SUBSTITUTE HOUSE BILL NO. 839, making the leasehold excise tax inapplicable to certain property within certain historical sites (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Newschwander, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, April 19, 1977.

TO THE HONORABLE THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on April 19, 1977, Governor Ray approved the following Senate bill entitled:

SENATE BILL NO. 2378: Extending state route 290 in Spokane.

Sincerely,

JOE ZASPEL

Legislative Assistant.

### MESSAGES FROM THE HOUSE

April 19, 1977.

Mr. President: The House has adopted SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 27, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 19, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312,

ENGROSSED HOUSE BILL NO. 553,

SUBSTITUTE HOUSE BILL NO. 675,

SUBSTITUTE HOUSE BILL NO. 728,

HOUSE BILL NO. 828, and

HOUSE BILL NO. 1229, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, by Committee on Higher Education (originally sponsored by Representatives Erickson, Chandler and Thompson):

Charging tuition and fees at state institutions of higher education based on portion of educational costs incurred.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 553, By Representatives May, Thompson, Knowles, Lux, Kilbury, Grier, Clemente and Fischer:

Exempting certain theatre employees from the law establishing a minimum overtime wage.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 675, by Committee on Social and Health Services (originally sponsored by Representatives Fischer, Adams, Sherman, Erickson, North, Clemente, Hughes, Salatino, Nelson (Dick), Vrooman, Burns, Keller, Pearsall, Grier, Owen, Hanna, Gruger, Gallagher, Bauer, Bender, Charnley, Knowles, Williams, Gaines, McCormick, Maxie, Grimm, Hurley (George), Douthwaite, Lux, Martinis, Sommers and Walk):

Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 728, by Committee on Revenue (originally sponsored by Representatives Winsley, Erickson, Conner and Craswell):

Modifying laws relating to collection of property taxes and the sale of property acquired for nonpayment of taxes.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 828, by Representatives King, Embody, Berentson and Polk:

Authorizing civil penalties against collection agencies.

Referred to Committee on Commerce.

HOUSE BILL NO. 1229, by Representative Bender:

Revising laws relating to boiler inspection.

Referred to Committee on Labor.

SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 27, by Committee on State Constitution (originally sponsored by Representatives Sommers, Conner and Haley) (by Governor Ray request):

Amending the Constitution to authorize the governor to organize and reorganize the executive branch of state government.

Referred to Committee on Constitution and Elections.

#### MOTION

At 10:10 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 10:30 a.m.

#### MOTIONS

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1977-24.

#### MOTION

On motion of Senator Bottiger, the following resolution was adopted:

#### SENATE RESOLUTION 1977-24

By Senate Energy and Utilities Committee:

WHEREAS, The State of Washington is facing a serious electrical shortage; and

WHEREAS, The abnormally low amount of snowpack and restricted summer runoff will seriously limit the electrical power available to the citizens of the state; and

WHEREAS, A concerted effort by all citizens of Washington State to reduce their consumption today and hereafter will reduce the impact of an electrical shortage and its effects; and

WHEREAS, Voluntary conservation of electricity and all forms of energy is the most immediate and practical method of relieving the present shortage;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate declares April 20, 1977, "Energy Crunch Day". This day is set aside to observe energy conservation and appeal to all citizens of Washington to make a concerted effort to consume less energy. The Senate of the State of Washington also appeals to the citizens to invest in those appliances, construction materials, or devices which more efficiently use electrical and petroleum energy;

BE IT FURTHER RESOLVED, That the Senate of the State of Washington appeals to industry within the state to cut down on nonessential energy use. Industry should take a leadership role in conservation—leadership by example.

#### MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1977-25.

Senator Bottiger moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-25

By Senate Energy and Utilities Committee:

WHEREAS, Serious energy shortages may be imminent for the State of Washington; and

WHEREAS, A general concerted conservation of energy by all citizens is necessary to constrain the ever-increasing demand for energy; and

WHEREAS, Intelligent techniques of conservation can only be conveyed to the citizens through well-planned and well thought out information programs; and

WHEREAS, The utility industry is in a unique position to inform the citizens; and

WHEREAS, Puget Sound Power and Light has taken a leading role in informing the citizens of conservation techniques for both the home owner and industry;

WHEREAS, It is the opinion of the Senate Energy and Utilities Committee that Puget Sound Power and Light has made available for distribution one of the better and most comprehensive conservation booklets entitled "Our Energy Problems and Solutions";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commends Puget Sound Power and Light for its leadership and commitment to inform the citizens of this state concerning energy conservation.

On motion of Senator Marsh, the following amendment was adopted:

Following the last paragraph of the resolution add the following:

"and BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the Puget Sound Power and Light."

The motion by Senator Bottiger carried and the resolution, as amended, was adopted.

## MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1977-26.

Senator Bottiger moved adoption of the following resolution:

## SENATE RESOLUTION 1977-26

By Senate Energy and Utilities Committee:

WHEREAS, The State of Washington is facing a serious energy shortage; and  
WHEREAS, Serious attempts must be made by all citizens to constrict the increasing demand for energy; and

WHEREAS, The utility industry is in a unique position to advise and aid citizens to refit their homes with energy efficient devices and materials; and

WHEREAS, Washington Natural Gas, as a private utility company, has taken the lead in promoting and installing energy efficient devices and materials in homes of the citizens of the state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commends Washington Natural Gas, Inc., for its leadership in energy conservation and its active leadership in promoting more energy efficient homes throughout the state.

On motion of Senator Marsh, the following amendment was adopted:

Following the last paragraph of the resolution add the following:

"; and BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the Washington Natural Gas, Inc."

The motion by Senator Bottiger carried and the resolution, as amended, was adopted.

## MOTION

On motion of Senator Marsh, the Senate returned to the sixth order of business.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2910.

## SECOND READING

SENATE BILL NO. 2910, by Senators Bottiger, Bailey, Rasmussen, Beck, Lewis, Hayner, Sellar and Benitz (by Executive request of Governor Ray):

Revising statutes relating to energy facility site selection.

## MOTIONS

On motion of Senator Bottiger, 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.

Senator Wilson moved adoption of the following amendment:

On page 2, line 35, after "cost." add a new subsection as follows:

"(4) To require compliance with local land use plans and zoning ordinances with respect to energy plant sites, but to provide for state preemption with respect to transmission facility sites."



## MOTION

At 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 12:13 p.m.

## NOON SESSION

The President called the Senate to order at 12:13 p.m.

The Senate resumed consideration of Substitute Senate Bill No. 2910 and the pending amendment by Senator Wilson.

Further debate ensued.

Senator Wilson demanded a roll call and the demand was sustained by Senators Washington, Sandison, Talley, North, Sellar, Guess, Wojahn, Rasmussen and Herr.

The President declared the question before the Senate to be the amendment to page 2, line 35 adding a new subsection (4) by Senator Wilson to Substitute Senate Bill No. 2910.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Wilson was not adopted by the following vote: Yeas, 22; nays, 25; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Cunningham, Day, Goltz, Grant, Guess, Henry, Herr, Keefe, Marsh, McDermott, North, Odegaard, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Washington, Wilson, Wojahn—22.

Voting nay: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Fleming, Gaspard, Gould, Hayner, Jones, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, Peterson, Pullen, Rasmussen, Van Hollebeke, Walgren, Wanamaker, Woody—25.

Absent or not voting: Senator Donohue—1.

Excused: Senator Francis—1.

## MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The Senate resumed consideration of the following Senate bill on second reading:

**SUBSTITUTE SENATE BILL NO. 2910**, by Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Bailey, Rasmussen, Beck, Lewis, Hayner, Sellar and Benitz) (by Executive request of Governor Ray):

Revising statutes relating to energy facility site selection.

There being no objection, on motion of Senator Wilson, the remaining amendments by Senator Wilson on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Bottiger, the following amendments were adopted:

On page 12, line 4, after "all the" and before "members" insert "eligible".

On page 18, line 15, after "holder," strike "revoke or".

Senator Bottiger moved adoption of the following amendment:

On page 18, line 18, after "treasurer" and before the period insert "who shall make payments as instructed by the council".

On motion of Senator Mardésich, the following amendment to the amendment by Senator Bottiger was adopted:

Amend the amendment by Senator Bottiger on page 18, line 18, after "council" and before the period, insert "from the funds submitted".

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

Senator Goltz moved adoption of the following amendment:

On page 10, line 1, after "chapter" and before the period insert: "PROVIDED HOWEVER, That no oil transshipment port site may be located north of Rosario Strait, and the energy facility site evaluation council shall not accept any application for such a facility to be sited north of Rosario Strait".

#### POINT OF INQUIRY

Senator Cunningham: "Would Senator Goltz yield to a question? Senator Goltz, specifically, in reference to the limitations on the movement of tankers now, how does this change the existing law such as in 527?"

Senator Goltz: "This amendment would change the direction for the energy siting council as to the application. It does not have anything to do with the way in which tankers use Puget Sound. It doesn't speak to that at all. I think if it spoke to that subject it would be out of scope and object of the bill, but this speaks to the energy siting council, and its consideration of applications for an oil transshipment port."

Debate ensued.

The motion by Senator Goltz failed and the amendment was not adopted.

Senator Woody moved adoption of the following amendment:

On page 10, line 10, after "act" and before the period insert "with the exception of section 12 of this 1977 amendatory act".

Debate ensued.

Senator Bottiger moved adoption of the following amendment to the amendment by Senator Woody:

on the second line of the Woody amendment to page 10, line 10, after "the" strike "exception of" and insert "exceptions of civil actions brought for damages under".

Debate ensued.

The motion by Senator Bottiger carried and the amendment to the amendment was adopted.

The motion by Senator Woody carried and the amendment, as amended, was adopted.

On motion of Senator Woody, the following amendment was adopted:

On page 15, line 3, after "approval" strike "or" and insert a comma, and after "rejection" and before "of" insert ", revocation or suspension".

Senator Woody moved adoption of the following amendment:

On page 15, line 34, after "council" and before the period insert "; a civil action for damages may be brought by any person adversely affected by a failure to comply with the terms and conditions of the certification".

Debate ensued.

#### POINT OF INQUIRY

Senator Marsh: "Senator Woody, would you yield to a question? Senator Woody, your amendment does not expressly state who your right of action would be. I assume it would be against the applicant, is that correct?"

Senator Woody: "That is correct, and of course, that is the thrust of the entire subsection 3 where the prosecutor or attorney general would bring civil actions too."

They are going to bring it against the applicant for his failure to comply with the terms and conditions of the certification. All of those certifications have a certification agreement where they say they will do certain things, and all of them have clauses where they are not going to damage the neighbor's apple orchard or the neighbor's cows and that sort of thing."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Woody yield, please? Senator, do you want that to read as a separate sentence? It looks to me like that is the way it should, and the amendment says 'after "council" before the period insert'. It looks to me like it should be a separate sentence."

Senator Woody: "I would rather have a semicolon in there, and I say that only because sometimes you have difficulty explaining this to courts, to the counsel, that sort of thing. If they see it in the same action they know that one relates to the other."

The motion by Senator Woody carried and the amendment was adopted.

MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2910, as amended, was ordered held on the second reading calendar for April 21, 1977.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEE

April 20, 1977.

SENATE BILL NO. 2211, authorizing commission on harbor lines to change harbor lines (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass without Senate floor amendments.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 3066, establishing an office for coordination assistance to prosecuting attorneys (reported by committee on State Government):

Recommendation: That Substitute Senate Bill No. 3066 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 3071, extending and updating the commercial fishing gear reduction program (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3071 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

April 19, 1977.

HOUSE BILL NO. 64, abolishing inactive or obsolete boards and commissions (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 19, 1977.

ENGROSSED HOUSE BILL NO. 301, dispensing with the competitive bid requirement for counties when the amount involved is less than \$2500 instead of the present \$1000 (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Marsh, the Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 20, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 31, by Representative King:

Calling a joint session of the legislature for the purpose of receiving the Governor of Alaska.

#### MOTIONS

On motion of Senator Marsh, the rules were suspended, House Concurrent Resolution No. 31 was advanced to second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, House Concurrent Resolution No. 31 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2910 was ordered engrossed for distribution to the members.

#### MOTION

At 2:08 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, April 21, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 21, 1977.

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 and Grant. On motion of Senator Odegaard, Senators Fleming and Grant were excused.

The Color Guard, consisting of Pages Suzanne Metzler and Teri Miller, presented the Colors. Reverend Richard W. Hart pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, MORNING HAS BROKEN AND ONCE AGAIN LIGHT HAS FLOODED INTO OUR BEING. THANK YOU FOR THE MOMENTS OF REST AND THANK YOU FOR ANOTHER DAY FILLED WITH YOUR GIFT OF LIFE ITSELF. MAKE US UNCOMFORTABLE AND RESTLESS WHEN WE ARE WILLING TO SETTLE FOR LESS THAN THE BEST TO WHICH YOU HAVE CALLED US. REMIND US AGAIN THAT EVEN IN THIS GREAT CHAMBER THERE IS STILL ENCOURAGEMENT AND LOAD LIFTING POWER IN A SIMPLE SMILE OR FIRM HANDSHAKE THAT REALLY SAYS, 'I CARE.'

"HELP US, O LORD, EVEN IN THE MIDST OF PARTY POLITICS AND LEGISLATIVE PRESSURES, TO REMEMBER THAT OUR FIRST CALL IS TO BEING A WHOLE PERSON AND CARING ABOUT OTHERS AS INDIVIDUALS. FREE US NOT ONLY TO BECOME GOOD LEGISLATORS, BUT ALSO TO BE THE SINGERS OF LIFE. IN THE NAME OF 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

April 19, 1977.

SENATE BILL NO 2244, revising laws governing car dealers and salesmen (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 2244 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2356, removing the prohibition against changing precinct boundaries in certain years (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2356 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 2420, authorizing and setting forth rights and powers of central credit union (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 2420 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2445, regulating automobile repair (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 2445 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

April 15, 1977.

SENATE BILL NO. 2450, revising public lands management laws (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2450 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 2453, modifying restrictions on small loan companies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Clarke, Jones, Walgren.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2552, prohibiting public display of adult reading materials where minors are admitted (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 2552 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2654, relating to state environmental policy act, (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2654 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 2739, providing for waiver of filing fee for indigent candidates (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2739 be substituted therefor and the substitute bill do pass.

Signed by: Senators Grant, Chairman; Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 21, 1977.

HOUSE BILL NO. 612, repealing certain laws on the environmental impact of highways (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, North.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 20, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on April 20, 1977, Governor Ray approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO 2245, implementing law relating to contract rights of employees in the common schools.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

MESSAGES FROM THE HOUSE

April 20, 1977.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 76,

SECOND SUBSTITUTE HOUSE BILL NO. 307,

SUBSTITUTE HOUSE BILL NO. 320,

HOUSE BILL NO. 382,

SUBSTITUTE HOUSE BILL NO. 453,

SUBSTITUTE HOUSE BILL NO. 512,

HOUSE BILL NO. 515,

HOUSE BILL NO. 582,

HOUSE BILL NO. 694, and

SUBSTITUTE HOUSE BILL NO. 726, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 20, 1977.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 627, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 20, 1977.

Mr. President: The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 874, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

**SUBSTITUTE HOUSE BILL NO. 76**, by Committee on State Government (originally sponsored by Representatives Williams, Polk, Ehlers and Burns):

Providing in state building code for fire stairs and fire elevators in historic structures.

Referred to Committee on State Government.

**SECOND SUBSTITUTE HOUSE BILL NO. 307**, by Committee on Institutions (originally sponsored by Representatives Hanna, Becker, Struthers, Salatino, Knowles, Deccio, Greengo, Fischer and Nelson (Dick)):

Providing funds for local criminal justice programs.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 320**, by Committee on Social and Health Services (originally sponsored by Representatives Fortson, Whiteside, Adams, Gruger, Kreidler, Shinpoch, Lux, Pearsall, Pruitt, Haley, Hanna, Knedlik and Nelson (Dick)):

Licensing adult day care centers.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 382**, by Representatives Taller, Oliver, Lee, Chandler, Polk, Blair, Fuller, Fancher, Schmitt and Bond:

Exempting prescription drugs sold to the state or political subdivisions from sales tax.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 453**, by Committee on Judiciary (originally sponsored by Representatives Smith, Knedlik, Pardini, Greengo, Charnley, Williams, Walk, North, Burns, Sherman, Gruger, Lux, Knowles, May, Bender, Gallagher, Keller, Enbody, Clemente, Heck, Vrooman, Kreidler, Boldt, Adams, Grier, Hurley (Margaret), Hughes, Erickson, Thompson, Sommers, Owen, Grimm, Struthers, Zimmerman, Dunlap, Becker, Shinpoch, Ehlers, Deccio and Sanders):

Harmonizing various provisions of criminal law.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 512**, by Committee on Local Government (originally sponsored by Representatives Kreidler, Keller and Thompson):

Authorizing irrigation districts to merge existing sewer districts.

Referred to Committee on Local Government.

**HOUSE BILL NO. 515**, by Representatives Hansen, Smith and Patterson:

Broadening the definition of negligent driving.

Referred to Judiciary Committee.

**HOUSE BILL NO. 582**, by Representatives Whiteside, Deccio, Newhouse, Clayton, Hansen and Flanagan:

Creating the Yakima river conservation area.

Referred to Committee on Parks and Recreation.

**ENGROSSED HOUSE BILL NO. 627**, by Representatives Schmitt, Hansen, Flanagan and Taller:

Authorizing irrigation districts to merge existing sewer districts.

Referred to Committee on Local Government.



HOUSE BILL NO. 694, by Representatives Boldt and Kilbury:  
 Authorizing the state patrol to dispose of certain real property.  
 Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 726, by Committee on Financial Institutions (originally sponsored by Representatives Fischer, Knowles, Pardini, Polk and Eng):

Changing the law on savings and loan associations.  
 Referred to Committee on Financial Institutions and Insurance.

SECOND SUBSTITUTE HOUSE BILL NO. 874, by Committee on Institutions (originally sponsored by Representatives Salatino, Becker, Hanna, Hurley (George), Barr and Struthers):

Modifying the conditions for receiving state funds for probation services.

### MOTION

On motion of Senator Walgren, Second Substitute House Bill No. 874 was referred to the Committee on Ways and Means.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

Senator Bottiger moved the Senate commence consideration of Substitute Senate Bill No. 2910 as amended on April 20, 1977.

Debate ensued.

On motion of Senator Bottiger, Substitute Senate Bill No. 2910 was ordered placed on today's second reading calendar following Engrossed House Bill No. 98.

On motion of Senator Bottiger, the Senate commenced consideration of Engrossed House Bill No. 98.

### SECOND READING

ENGROSSED HOUSE BILL NO. 98, by Representatives Bauer, Charnley, Douthwaite, Kilbury, Lee, Lysen, Smith and Nelson (Gary):

Establishing thermal performance standards for new dwellings.

### REPORT OF STANDING COMMITTEE

March 17, 1977.

ENGROSSED HOUSE BILL NO. 98, establishing thermal performance standards for new dwellings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 19, after "occupancy," strike all of the material down through the period on line 22 and insert "as the term "dwellings not intended for year round occupancy" is defined by the county legislative authority."

On page 3, line 13, after "total" insert "structural".

On page 3, line 14, after "total" and before "heat" insert "structural".

On page 3, line 16, after "chapter" and before the period, insert ": PROVIDED, That compliance with these provisions shall be deemed conclusive when certified to by a registered architect or registered mechanical engineer".

On page 3, line 22, after "of" and before "shall" strike "these regulations" and insert "this 1977 amendatory act".

On page 4, line 28, after "thermal" and before "is" strike "performance" and insert "insulation".

On page 5, line 3, after "than" and before "of" strike "35%" and insert "thirty-five percent".

On page 5, line 17, after "Spaces." strike all of the material down through "floors" on line 18 and insert "Insulation shall be required in floor sections over unheated spaces with a maximum "U" value 0.08 and a minimum insulation "R" value 9: PROVIDED, That insulation shall not be required in floor sections".

On page 5, line 29, after "or" and before "downward" insert ", alternatively,".

On page 8, line 16, after "overall" and before "heat" insert "structural".

On page 8, add a new section following section 12 as follows:

"NEW SECTION. Sec. 13. The senate and house committees on energy and utilities shall make continuing studies of the state building code as it relates to energy consumption, conservation and retention and shall submit their recommendations concerning such to the legislature periodically,"

Re-number the remaining sections consecutively.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Lewis.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments to pages 1, 3, 4 and 5 were adopted.

Senator Bottiger moved adoption of the committee amendment to page 8, line 16.

#### POINT OF INQUIRY

Senator Bluechel: "Mr. President, would Senator Bottiger yield to a question? Senator Bottiger, when you are using the word 'structural' here, had you checked that out with a heating engineer, because you get a situation that arises when you figure heat loss. You can figure heat losses through a building and through the area in which the insulation is in, and then you can figure the heat loss as through the structural portion which would be from, say, plywood to the two by fours to the plasterboard, and this is a different heat loss. I think you may be inadvertently referring to something which you are not intending."

Senator Bottiger: "Senator Bluechel, the engineers and the building trades and everybody else was down, and no one else brought up that objection. In fact, they recommended this amendment."

Senator Bluechel: "The reason I bring it up is because when I was in the business of figuring heat losses for the Alaska area, we figured the heat losses through the structural portion of the building and through the portions of the building that had the insulation, and it is substantially different, and I again question whether we are walking into something that is not intended."

Senator Bottiger: "Senator Bluechel, you obviously know more about it than I do. The people at the hearing that I can only tell you to the best of my knowledge that was their amendment to make it possible so that we weren't testing each building. We were looking at the insulation put in, is it put in properly, and that we not have to bring machinery out to test it."

Senator Bluechel: "I would agree, Senator Bottiger, with what you are intending to do. I question whether the word 'structural' is correct. I simply think that maybe it should be used the 'entire.' The worrying about an open door is just extraneous to the definition. When you figure heat loss in a building, you figure it from the entire wall area, or from the entire roof or floor area, or from the entire building. I am getting very, very technical, and if somebody interpreted it this way, I think it could be interpreted that you are looking at the heat loss from the structural portion of the building and not the open space in the walls itself."

There being no objection, on motion of Senator Bluechel, three oral amendments proposed by Senator Bluechel were withdrawn.

The motion by Senator Bottiger carried and the committee amendment to page 8, line 16 was adopted.

Senator Bottiger moved adoption of the committee amendment to page 8 adding a new section 13.

#### POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Bottiger would yield to a question? Senator Bottiger, there are two amendments in my book and you have used the second one. The first one is the joint committee on energy and utilities, and the one you are on now is the Senate and House committee on energy. Are we not considering the first one?"

Senator Bottiger: "We are not considering the first one. We had hoped to have the first one because there was a lot of federal money that could fund these things, but I was encouraged not to do that so we did not offer the first amendment."

Senator Newschwander: "And the second committee, the Senate and House committee, will this be studies on the weekend meetings we have when we are not in session, or is this mandating studies during the interim at the pleasure of the chairman?"

Senator Bottiger: "Senator Newschwander, the rules and facilities committee have absolute control over any of the standing committees, and while I do intend to make an appeal to those committees and appeal to Senator Donohue for some study funds to look into these things, I may or may not be successful."

Senator Newschwander: "Then you will go through the facilities committee rather than the weekend monthly meetings?"

Senator Bottiger: "I intend to ask on this and on solar energy rights bills for some funds to hire a consultant, or in this case, to put some staff on the job of attempting to rewrite the building code to provide new energy standards. I intend to ask, and based on past experience, I have some doubts whether I will be successful."

Senator Newschwander: "Well, then, we will listen."

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Bottiger yield? Senator, on page six of this bill there is a requirement that vapor barriers shall be properly installed in walls and ceilings. Does this create a problem by allowing a building inspector to require polyethylene sheeting?"

Senator Bottiger: "Senator Wilson, that question came up in the committee meeting, and it was thoroughly discussed. No, there is a number of accepted vapor barriers, foil backed insulation blankets, kraft backed insulation blankets, foil backed gypsum board and others recognized by the international conference of building officials. This language does not necessarily require polyethylene sheets. What the language does require is that the vapor barrier be properly installed, that it not be ripped or torn, and that the rips must be repaired and that the vapor barriers on insulation blankets fit snugly on wall studs or ceiling rafters. It is my intent, and I believe the intent of the committee, that we not add a new requirement over and above existing good, workmanshiplike practices."

The motion by Senator Bottiger carried and the committee amendment to page 8 adding a new section 13 was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 98, 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 Cunningham: "Would Senator Bottiger yield to a question or two? Senator Bottiger, specifically, with the exception of the floor insulation, what does this bill do that cannot be accomplished in FHA financing qualifications that exist right now?"

Senator Bottiger: "Nothing."

Senator Cunningham: "Then why do we need it?"

Senator Bottiger: "The home building industry appeared and testified before us and indicated to us that there are probably five or six percent of the houses, varying from three to five percent on the estimate, of homes that are built that do not go FHA, VA standards, that the standards are not required either by the lending institution or there isn't any lending institution involved. This not only provides unfair competition for them, but it creates a series of people who are getting houses who have been led to believe they are properly insulated, and in fact, are not. For that reason the home builders, the contractors, all support this act."

Senator Cunningham: "Well, Senator Bottiger, I guess what my concern is, I don't see anything in this bill that people can't do themselves now, and I think the few percentages that you are talking about of people who build homes without FHA financing, are either so poor they can't qualify or they are building something that is so expensive that it, by its esthetics, wouldn't qualify. While I am supportive of energy conservation, I am questioning our mandating somebody's responsibility. I would just appreciate really knowing why specifically we need this."

Senator Bottiger: "Senator Cunningham, I can repeat the answer I gave you, and I can add to that what I also thought of. There was some testimony in committee about substandard insulation, that there were builders who fudged, and who did not meet the full standard, and there was nothing under the building code that the building inspector could do about it. In this sense, the bill does add a tool to the building inspector to see that the insulation put in is minimal, and that is all this bill does."

President Pro Tempore Henry assumed the Chair.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 98, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Fleming, Grant—2.

ENGROSSED HOUSE BILL NO. 98, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Memorial No. 102.

## SECOND READING

SENATE JOINT MEMORIAL NO. 102, by Senators Pullen, Mardesich, Lewis, Bottiger and Benitz:  
Memorializing Congress on fusion energy development.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Joint Memorial No. 102 was substituted for Senate Joint Memorial No. 102 and substitute memorial was placed on second reading and read the second time in full.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Joint Memorial No. 102 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 102 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Fleming, Grant—2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 102, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 928.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 928, by Committee on Energy and Utilities (originally sponsored by Representatives Lysen, Sherman, King, Kilbury, O'Brien, Charnley, Gruger, Pruitt, Gallagher, Boldt, McCormick, Hawkins, Nelson (Dick), Bauer, Gaines, Clemente and Leckenby) (by Governor Ray request):

Revising energy emergency powers and procedures.

## REPORT OF STANDING COMMITTEE

April 13, 1977.

SUBSTITUTE HOUSE BILL NO. 928, revising energy emergency powers and procedures (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to ((reduce and/or allocate the usage)) regulate the production, distribution, and use of energy ((through a program of mandatory usage curtailment and/or

allocation)), a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation (~~(of the effects)~~) of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary (~~(energy)~~) emergency powers for the governor and define the (~~(conditions)~~) situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or use. Such utilization shall be in addition to support received by the governor from the state energy office under RCW 43.21F.050 and 43.21F.070 and from other state agencies.

Sec. 2. Section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020 are each amended as follows:

As used in this chapter:

- (1) "Energy supply facility" means a facility which produces, extracts, converts, transports, or stores energy.
- (2) "Energy" means any of the following, individually or in combination: Petroleum ((or) fuels; other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.
- (3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) (~~"Council"~~ means the energy advisory council created by section 8 of this ~~1976 amendatory act~~;) "Committee" means the joint committee on energy and utilities created by RCW 44.39.010 as now or hereafter amended.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engages in or (~~(are)~~) is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(6) "Regulated distributor" means a public service company as defined in chapter 80.04 RCW which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(7) "Energy supply alert" means a situation which threatens to seriously disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized.

(8) "Energy emergency" means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare.

(9) "State or local governmental agency" means any county, city, town, municipal corporation, political subdivision of the state, or state agency.

Sec. 3. Section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.030 are each amended to read as follows:

It is the intent of the legislature that the governor (~~(and the council)~~) shall, in developing (~~(provisions)~~) plans for the production, allocation, (~~(conservation)~~) and consumption of energy, give (~~(due consideration)~~) high priority to supplying vital public services (~~(such as)~~) including, but not limited to, essential governmental operations, public health and safety functions, emergency services, public mass transportation systems, fish production, food production and processing facilities,

including the provision of water to irrigated agriculture, and energy supply facilities, during a condition((s)) of ((an)) energy supply alert or energy emergency. In developing any ((energy allocation)) such ((programs)) plans, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

It is further the intent of the legislature that the governor shall, to the extent possible, encourage and rely upon voluntary programs and local and regional programs for the production, allocation, and consumption of energy and that involvement of energy users and producers be secured in implementing such programs.

Sec. 4. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040 are each amended to read as follows:

((In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter:))

(1) The governor may((, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific)) subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. The governor may only declare a condition of energy emergency if the legislature is convened. In the event that it is necessary for the governor to convene a special session for such purpose, the legislature shall be deemed at recess until a majority of the members of both the house and senate call the legislature into actual session. The governor may not declare more than one such condition in any twelve month period without the prior approval of the committee.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers ((further enumerated)) as set forth in this ((section)) chapter shall become effective only within the area described in the declaration. ((Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session:))

(2) A condition of energy supply alert shall terminate after sixty consecutive days unless:

(a) Extended by the governor for an additional sixty consecutive days upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

A condition of energy supply alert may be extended after the initial sixty day extension provided in subsection (2)(a) of this section if extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

(3) ~~((The))~~ A condition of ~~((an))~~ energy ~~((supply alert))~~ emergency shall terminate after ~~((sixty))~~ thirty consecutive days unless ~~((a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension))~~:

(a) Extended by the governor for an additional thirty consecutive days upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply~~((:));~~ or

~~((b))~~ (c) Extended by declaration of the legislature by concurrent resolution of a continuing ~~((condition of "an))~~ energy ~~((supply alert))~~ emergency.

A condition of energy emergency may be extended after the initial thirty day extension provided in subsection (3)(a) of this section if extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

~~((3) The conditions))~~ (4) A condition of ~~((an))~~ energy supply alert or energy emergency shall ~~((alternatively))~~ cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

~~((4))~~ (6) In a ~~((declared state))~~ condition of energy ~~((supply alert))~~ emergency, the governor may, ~~((upon recommendation or approval of the energy advisory council;))~~ as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement ~~((such))~~ programs, controls, standards, and priorities~~((, and quotas))~~ for the production, allocation, ~~((conservation;))~~ and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority ~~((quota;))~~ or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of ~~((a declared state))~~ the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including,



but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, 1980.

Sec. 5. Section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050 are each amended to read as follows:

To protect the public welfare during ~~((conditions))~~ a condition of energy ~~((alerts or emergencies))~~ supply alert or energy emergency, the ~~((chief))~~ executive authority of each ~~((political subdivision of the state and each state agency))~~ state or local governmental agency is hereby authorized and directed to ~~((carry out in his jurisdiction the energy supply alert or energy emergency measures as may be ordered by the governor))~~ take action to carry out the orders issued by the governor pursuant to this chapter as now or hereafter amended.

Sec. 6. Section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060 are each amended to read as follows:

In order to attain uniformity, as far as is practicable throughout the ~~((country))~~ United States, in measures taken to aid in energy crisis management, all action taken under this chapter as now or hereafter amended, and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

Sec. 7. Section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.070 are each amended to read as follows:

Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter as now or hereafter amended shall comply therewith immediately.

Sec. 8. Section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.080 are each amended to read as follows:

The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter as now or hereafter amended, ~~((and no distributor shall be liable for actions taken in accordance with such order))~~: PROVIDED, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor. No distributor shall be liable for actions taken in accordance with such orders issued by the governor or the Washington utilities and transportation commission.

All allocations of energy from one distributor to another distributor pursuant to orders issued or as a result of actions taken under this chapter as now or hereafter amended are subject to fair and just reimbursement. Such reimbursement for any allocation of energy between regulated distributors shall be subject to the approval of the Washington utilities and transportation commission. A distributor is authorized to enter into agreements with another distributor for the purpose of determining financial or commodity reimbursement.

Sec. 9. Section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.090 are each amended to read as follows:

(1) Any person aggrieved by an order issued or action taken pursuant to this chapter as now or hereafter amended may petition the governor and request an exception from or modification of such order or action. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter as now or hereafter amended may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued ~~((for))~~ or action taken pursuant to this chapter as now or hereafter amended, nor to hear and determine any appeal from any such order. The provisions of ~~((Rule on Appeal I-58))~~ Rule 16.2, Rules of Appellate Procedure, shall apply to any proceedings in the supreme court brought pursuant to this chapter as now or hereafter amended.

Sec. 10. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010 are each amended to read as follows:

(1) In addition to those duties prescribed by the Constitution, the governor ~~((may exercise the powers and))~~ shall perform the duties prescribed in this ~~((and the following sections))~~ subsection:

~~((1) He shall supervise the conduct of all executive and ministerial offices;~~

~~(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;~~

~~(3) He shall make the appointments and supply the vacancies mentioned in this title;~~

~~(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;~~

~~(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;~~

~~(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;~~

~~(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;~~

~~(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;~~

~~(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;~~

~~(10) He shall issue and transmit election proclamations as prescribed by law;~~

~~(11) He may require any officer or board to make, upon demand, special reports to him, in writing;~~

~~(12) He may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property~~

or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation:))

(a) Supervision of the conduct of all executive and ministerial offices;

(b) Seeing that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(c) Make the appointments and supply the vacancies mentioned in this title;

(d) Be the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(e) Perform such duties respecting fugitives from justice as are prescribed by law;

(f) Issue and transmit election proclamations prescribed by law.

(2) In addition to those powers prescribed by the Constitution, the governor may exercise the powers prescribed in this subsection:

(a) Direct the attorney general to appear on behalf of the state whenever any suit or legal proceeding is pending against this state, or whenever any suit or legal proceeding may affect the title of this state to any property, or may result in any claim against the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(b) Require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and issue reports concerning the inquiry to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(c) Require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(d) Offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(e) Require any officer or board to make, upon demand, special reports to the governor, in writing;

(f) After finding that a public disorder, disaster, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected and the powers granted during a state of emergency shall be effective only within the area described in the proclamation.

Sec. 11. Section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

("Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity:))

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 12. Section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-76 2nd ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected(~~(-PROVIDED, FURTHER, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency)~~).

Sec. 13. Section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010 are each amended to read as follows:

There is hereby created the joint committee on ~~((nuclear))~~ energy and utilities of the legislature of the state of Washington.

Sec. 14. Section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015 are each amended to read as follows:

The committee shall consist of ~~((four))~~ five senators and ~~((four))~~ five representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate ~~((four))~~ five members from the energy and utilities committee, to include the chairman and two members from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate ~~((four))~~ five members from the energy and utilities committee, to include the chairman and two members from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairman of the committee shall be elected by the members of the committee and shall serve for a one year term. The committee may utilize members of the legislative staff to assist the committee in performance of authorized activities.

Sec. 15. Section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Sec. 16. Section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025 are each amended to read as follows:

The ((committee)) presiding officer of the appropriate legislative chamber shall fill any vacancies occurring on the committee by appointment from the same political party ((and legislative chamber)) as the departing member. Notwithstanding the provisions of RCW 44.39.015 as now or hereafter amended, any such appointee shall be deemed installed as a member upon appointment. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. Sec. 17. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

In the discharge of any duty imposed by this chapter, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency; to administer oaths; and to issue subpoenas, upon approval of a majority of the members of the house or senate rules committee, to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

NEW SECTION. Sec. 18. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

The committee shall only meet and function during a condition of energy supply alert or energy emergency. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy and utilities shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee shall review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

During a condition of energy supply alert, the committee shall receive any request from the governor for an extension of the initial condition of energy supply alert for an additional sixty consecutive days and the findings upon which such request is based and shall either approve or disapprove such request.

During a condition of energy emergency the committee shall receive any request from the governor for an extension of the initial condition of energy emergency for an additional thirty consecutive days and the finding upon which any such request is based and shall either approve or disapprove such request.

**NEW SECTION.** Sec. 19. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030;
- (2) Section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; and
- (3) Section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040.

**NEW SECTION.** Sec. 20. If any provision of this 1977 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. 21. This 1977 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."

In the title, strike everything after "AN ACT" and insert "Relating to energy; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020; amending section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.030; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050; amending section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060; amending section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.070; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.080; amending section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.090; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.210; amending section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010; amending section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015; amending section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020; amending section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025; adding new sections to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW; repealing section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030; repealing section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; repealing section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040; and declaring an emergency."

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

On motion of Senator Wanamaker, the following amendment to the committee amendment was adopted:

On page 2, line 40, strike "seriously".

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Lewis to the committee amendment was adopted:

On page 4, line 13, strike "The governor may only declare a condition of energy emergency if the legislature is convened." and insert "A declaration of condition of energy emergency shall be null and void unless simultaneously with such declaration, the governor convenes the legislature in accordance with Article III, paragraph

7 of the constitution of the state of Washington, or the legislature is in session at the time of such declaration by the governor."

There being no objection, the amendment by Senators Lewis and Hayner to the committee amendment was withdrawn temporarily by Senator Lewis.

Senator Clarke moved adoption of the following amendment to the committee amendment:

On page 4, section 4, beginning on line 15 strike "In the event that it is necessary for the governor to convene a special session for such purpose, the legislature shall be deemed at recess until a majority of the members of both the house and the senate call the legislature into actual session."

On motion of Senator Washington, the amendment by Senator Clarke to the committee amendment was ordered held for later consideration.

#### MOTION

Senator Lewis moved adoption of the following amendment by Senators Lewis and Hayner to the committee amendment:

On page 14, beginning on line 13, strike entire section 14 and renumber remaining sections accordingly.

Debate ensued.

There being no objection, the amendment to the committee amendment was withdrawn by Senator Lewis.

On motion of Senator Lewis, the following amendment by Senators Lewis and Hayner to the committee amendment was adopted:

On page 14, beginning on line 16, strike all the material down through "confirmation." on line 33 and insert:

"The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation."

#### MOTION

On motion of Senator Bottiger, Substitute House Bill No. 928, together with the pending committee amendments and the proposed amendment by Senator Clarke to the committee amendment, was ordered held on the second reading calendar for April 22, 1977.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Resolution No. 116.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 116, by Senators Bottiger, Lewis, Bausch and Gaspard:

Permitting the lending of state and local government credit for energy conservation services and materials.

## MOTION

On motion of Senator Bottiger, Substitute Senate Joint Resolution No. 116 was substituted for Senate Joint Resolution No. 116 and the substitute resolution was placed on second reading and read the second time in full.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, a question before this is boosted. Senator Bottiger, this Substitute Senate Joint Resolution provides that you use moneys or credit to finance research and educational projects. What do you have in mind on the research and educational projects that they cannot engage in at the present time?"

Senator Bottiger: "Senator Rasmussen, when you asked me that yesterday I went to Mr. Billington and some of the people from the public generating entities, and they would like to work to do research in some of the same things that we talked about on House Bill 98 on efficiency of appliances, things of this nature: They also currently do some joint research projects with Puget Power and some of the privates, and they are concerned about the question. The language is limited to the conservation field, the conservation of energy. One of the other things I now recall them mentioning is line load loss. They lose almost twenty percent of the power generated at a plant on line loss, and they would like to work on a glass insulated line that cuts that down."

Senator Rasmussen: "And then the other question I had, Senator Bottiger, was they are amending notwithstanding the provisions of section five or seven. Did you check that out in the Constitution?"

## MOTION

On motion of Senator Marsh, Substitute Senate Joint Resolution No. 116 was ordered held on the second reading calendar for April 22, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2015.

## SECOND READING

SENATE BILL NO. 2015, by Senators Wilson, Donohue and Matson:

Exempting certain intra-family property transfers from the excise tax on real estate transfers.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 2015, was advanced to third reading, the second 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. 2015 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.



Voting nay: Senators Jones, Mardesich—2.

Excused: Senator Grant—1.

SENATE BILL NO. 2015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

#### NOON SESSION

The President called the Senate to order at 12:25 p.m.

#### MOTION

At 12:25 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 960.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, by Committee on Education (originally sponsored by Representative Clemente):

Enacting "The Education Act of 1977".

#### REPORT OF STANDING COMMITTEE

April 19, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, enacting "The Education Act of 1977" (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education for Literacy Act of 1977". The program evolving from the Basic Education for Literacy Act shall include (1) the goal of the school system as defined in section 2 of this 1977 amendatory act, (2) those program requirements enumerated in section 3 of this 1977 amendatory act, and (3) the determination and distribution of state resources as defined in sections 4 and 5 of this 1977 amendatory act.

The requirements of the Basic Education for Literacy Act are deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, cast, or sex", and are adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools".

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The goal of the Basic Education for Literacy Act for the schools of the state of Washington set forth in this 1977 amendatory act shall be to provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning. Those skills shall include the ability:

- (1) To distinguish, interpret and make use of symbols such as words, numbers and other symbols, including sound, colors, shapes and textures;
- (2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;
- (3) To perform intellectual functions such as problem solving, decision making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and
- (4) To use various muscles necessary for coordinating physical and mental functions.

**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) For the purposes of sections 2 through 5 of this 1977 amendatory act:

(a) The term "total program hour offering" shall mean those hours of the school day when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes and recess and exclusive of intermission for meals.

(b) "Instruction in work skills" shall include the instruction of industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education, and shall include career orientation.

(2) Satisfaction of the basic education goal identified in section 2 of this 1977 amendatory act shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand five hundred sixty-five hours. A minimum of ninety-eight percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. The remaining two percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand eight hundred thirty-five hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of five percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of nineteen hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in the grades nine through twelve at least a total program hour offering of three thousand nine hundred sixty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety, foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than ten percent thereof in basic skills and/or work skills.

Each school district's basic educational program shall be accessible to all students between the ages of five and twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten. The state board of education pursuant to its authority in RCW 28A.04.120 and 28A.41.130, as now or hereafter amended, shall adopt the necessary rules and regulations to ensure program compliance with the provisions of this section.

Sec. 4. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, excluding excess property tax levies, will constitute ((an equal guarantee in dollars for each weighted pupil enrolled)) a basic education allocation, including instruction in basic skills, work skills, and optional subjects and activities as defined in section 3 of this 1977 amendatory act, in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions (~~((which may be imposed)) pursuant to chapter 28A.45 RCW((~~PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent))~~); and~~

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature to fund those basic skills, work skills, and optional subjects and activities programs identified in section 3 of this 1977 amendatory act.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of pupils per classroom teachers in grades kindergarten through three is not greater than the ratio of pupils per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as a certificated employee whose primary duty is the daily educational instruction of pupils: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the pupil/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the pupil/teacher ratio requirements of this section by virtue of a small number of pupils.~~

~~Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years:)) If a school district's basic education program fails to meet the basic education requirements enumerated in sections 2 through 5 of this 1977 amendatory act, the state board of education shall withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That for the school years 1978 through 1981 the state board of education may waive this requirement in the event of levy failure.~~

Sec. 5. Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140 are each amended to read as follows:

~~((To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:~~

- ~~(1) Costs attributable to staff experience and professional preparation; and~~
- ~~(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment;~~
- ~~(3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary;~~
- ~~(4) Costs differentials attributable to the operation of approved elementary and secondary programs;~~
- ~~(5) Costs which must be incurred to operate an approved vocational program;~~
- ~~(6) Costs resulting from the attendance of students who:
 
  - ~~(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be construed as affecting the reimbursement procedures in RCW 28A.44.040;~~
  - ~~(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or~~
  - ~~(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.~~~~

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students and part time students as provided in RCW 28A.41.145 enrolled on the first school day of each month:))

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(1) Certificated staff and their related costs;

(2) Classified staff and their related costs;

(3) Nonsalary costs;

(4) Extraordinary costs of remote and necessary schools, small high schools, urban schools, and schools experiencing enrollment declines.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor and submitted to the legislature as part of either or both's biennial budget request. The recommended formula shall be subject to approval, amendment or rejection by the legislature: PROVIDED, That by the third year following the effective date of this 1977 amendatory act the ratios included in the formula shall reflect not less than fifty certificated personnel to one thousand students and one classified personnel to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous biennium shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in section 3 of this 1977 amendatory act. The enrollment of any district shall be the annual average number of full time students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances. Annual average full time equivalent classroom teacher's direct classroom contact hours shall be at least twenty-two hours per week. Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.

Sec. 6. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80, Laws of 1977 and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to ~~((state assistance based upon weighted enrollment))~~ the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) ~~((Operational reimbursement))~~ School districts shall be ((limited to ninety)) reimbursed up to one hundred percent of the ((service costs on routes)) operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent; and

(2) Costs of acquisition of approved transportation equipment shall be ~~((limited))~~ reimbursed up to ((ninety)) one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future ((purpose)) purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided to school districts for basic education, the governor and superintendent shall include as part of their biennial budget requests, funds for pupil transportation, in accordance with RCW 28A.41.160. The governor and superintendent may also include as a part of his or her biennial budget request, funds to be distributed to school districts for special programs, including but not limited to, programs for handicapped students, compensatory programs, bilingual education, programs for gifted students, programs for urban, rural, and racial disadvantaged students, and other special programs.

Sec. 8. 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 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;

(b) "school" shall mean any primary, secondary or vocational school;

(c) "school funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only

apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the (~~"weighting schedule" established~~) distribution of funds to school districts pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.

~~((5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.))~~

Sec. 9. Section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in (~~RCW 28A.01.025 as now or hereafter amended~~) RCW 28A.58.180.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and section 3 of this 1977 amendatory act, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in section 3 of this 1977 amendatory act for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) In compliance with provisions of RCW 28A.31.010 as now or hereafter amended and rules or regulations of the state board of education, each private school teacher shall file with the educational service district in which the school is located a valid health certificate issued by the state department of social and health services.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 10. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district shall certify under oath, as a part of an annual report to the educational service district board to be made on or before the fifteenth day of October as required by law, the following facts as nearly as the same can be ascertained:

(1) Name, post office address, county, and resident school district of each non-resident high school (~~pupit~~) student who is not a resident of another high school district and is enrolled in the high school, or high schools, of the district during the school year, with the enrollment date and departure date of each such nonresident (~~pupit~~) student.

(2) The cost per (~~weighted pupit~~) annual average full time equivalent student of educating high school (~~pupits~~) students for the school year in (~~his~~) the district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item, as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 11. Section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085 are each amended to read as follows:

The educational service district board, after verifying such reports as provided in RCW 28A.44.080 as now or hereafter amended, shall certify, on or before the fifteenth day of November each year to the appropriate county commissioners, the amount of claims which any high school district in its educational service district



may have under the provisions of RCW 28A.44.045 through 28A.44.100 as now or hereafter amended against any nonhigh district for the cost of educating nonresident high school ~~((pupils))~~ students of such district. In fixing the amount of any such claim by a high school district for educating nonresident high school ~~((pupils))~~ students from such nonhigh districts the educational service district board shall determine the net difference between the cost of educating high school ~~((pupils))~~ students in the given high school district per ~~((weighted pupil))~~ annual average full time equivalent student enrolled for the preceding year as determined pursuant to RCW 28A.44.080(2) and the total state ~~((guarantee, including the equal guarantee))~~ basic education allocation provided for in RCW 28A.41.130, per ~~((weighted pupil))~~ annual average full time equivalent student enrolled in such high school district for the preceding year, less any funds received by the high school district pursuant to Title 20, sections 236 through 244, United States Code, for any nonresident high school ~~((pupils))~~ students educated in the high school district for such preceding year. Such amount, when certified as provided in this section, shall constitute a valid claim against the appropriate nonhigh district.

Sec. 12. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The ~~((weighted student))~~ annual average full time equivalent student enrollment as computed under RCW 28A.41.140 ~~((accredited to))~~ for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 13. Section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050 are each amended to read as follows:

The county commissioners or legislative authority of ((any)) each county ((are authorized by ordinance to)) shall levy an excise tax upon sales of real estate ~~((not exceeding))~~ of one percent of the selling price. ((The rate of the levy shall be determined annually by the commissioners:)) The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: PROVIDED, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county: PROVIDED, That each educational service district superintendent shall certify each month the distribution of the real estate excise tax from the county school fund, for each county whose seat of government is within the educational service district, to the general fund of each school district in the county: PROVIDED FURTHER, That when a local school district board of directors, by properly executed resolution, instructs that the distribution in whole or part be credited to the building fund and/or bond interest and redemption fund of the local school district, the educational service district superintendent shall certify the distribution in accordance with such resolution: AND PROVIDED FURTHER, That such certification of distribution to each school district in the county shall be in proportion (using the most recent data) to the number of ~~((weighted))~~ annual average full time equivalent students enrolled in each district to the number of ~~((weighted))~~ annual average full time equivalent students in the county.

Sec. 14. Section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons between the ages of ((six)) five and twenty-one years residing in that school district. The state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the

common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student.

Sec. 15. Section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110 are each amended to read as follows:

The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County commissioners or the legislative authority of the respective counties to which the money is distributed are authorized and directed annually to distribute not less than fifty percent of said money to each school district within each such county according to the proportional number of ~~((weighted))~~ annual average full time equivalent students enrolled in each such school district during the immediate preceding school year as certified by the ((county school superintendent of schools or the intermediate)) educational service district superintendent ((of schools as the case may be: PROVIDED, That if any such school district would suffer a decrease in its total revenue as the result of receipt of said money, such district may refuse its proportional share and the county commissioners shall thereupon redistribute such proportional share to the remaining districts in the county)). The county commissioners or county legislature authority shall expend the balance of said money for the benefit of the public roads of such county, and not otherwise.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Rules and regulations adopted by the state board of education and superintendent of public instruction pursuant to the provisions of this 1977 amendatory act shall be subject to periodic review by the legislature.

Sec. 17. Section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.02.201, 28A.41.140, 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.01.130 and chapter 41.59 RCW, 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. 18. Section 2, chapter 10, Laws of 1972 ex. sess. as amended by section 1, chapter 51, Laws of 1973 and RCW 28A.27.010 are each amended to read as follows:

All parents, guardians and the persons in this state having custody of any child ~~((eight))~~ six years of age and under fifteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time unless the school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school or unless such child is attending a residential school operated by the division of institutions of the department of social and health services: PROVIDED, That when any parent, guardian or custodian of a child presents to the school district superintendent of the school district in which said child resides, a sworn affidavit stating that said parent, guardian or custodian of said child has conscientious convictions based on religious or philosophical beliefs that the welfare of the child of whom they have custody is best served by training him at

home until said child has reached the age of eight years, the school district superintendent of that district shall excuse such child from attendance at school until such child has reached the age of eight years. Such child shall thereafter be enrolled in school at the beginning of the next school year after the child's eighth birthday.

All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time excepting when the school district superintendent determines that such child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state, or the child is regularly and lawfully engaged in a useful or remunerative occupation, or the child is attending a residential school operated by the division of institutions of the department of social and health services, or the child has already met graduation requirements in accordance with state board of education rules and regulations, or the child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this section. An approved private and/or parochial school for the purposes of this section shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

NEW SECTION. Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum.

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs.

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in section 3 of this 1977 amendatory act, or rules and regulations of the state board of education.

(d) Determine the allocation of staff time, whether certified or classified.

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or

custodians of students who consider dissemination of such material to students objectionable.

(3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:

(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.67.065.

(b) A summary of program objectives pursuant to RCW 28A.58.090.

(c) Results of comparable testing for all schools within the district.

(d) Budget information which will include the following:

(i) Student attendance.

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, building and central administration and support services, including itemization of such personnel by program.

(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program.

(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program.

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in section 3 of this 1977 amendatory act.

**NEW SECTION.** Sec. 20. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of students in all cases of absence, tardiness, or dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Impress on their students the principles of morality, truth, justice, temperance, humanity, perseverance and patriotism; teach them to avoid profanity and falsehood; instill in them a sense of self-esteem; instruct them in the principles of

free government and train them to true comprehension of the rights, duty, and dignity of American citizenship.

(h) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2) (a) through (h) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff.

NEW SECTION. Sec. 21. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040;

(2) Section 28A.67.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.100; and

(3) Section 28A.67.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.110.

NEW SECTION. Sec. 22. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This 1977 amendatory act shall take effect September 1, 1978."

In line 1 of the title after "education;" strike the remainder of the title and insert "amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80 Laws of 1977 and RCW 28A.41.160; 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 10, Laws of 1972 ex. sess. as amended by section 1, chapter 51, Laws of 1973 and RCW 28A.27.010; amending section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201; amending section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.41 and 28A.58 RCW; repealing sections 28A.45.040, 28A.67.100 and 28A.67.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040, 28A.67.100 and 28A.67.110; providing penalties; and making an effective date."

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

The bill was read the second time by sections.

Senator McDermott moved adoption of the committee amendment.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Mardesich, Henry, Benitz, Hayner, Matson, Day, Lewis and Donohue to the committee amendment:

On page 23, line 38 of the amendment, insert a new section 21 as follows:

"NEW SECTION. Sec. 21. Beginning with the November 3, 1981 general election and including any and all subsequent elections at which a school district submits any excess levy to the public, excluding excess levies for capital purposes, the following words shall be appended to the ballot cards, paper ballots, or voting machine next to each levy ballot title:

"The state of Washington currently makes ample provision for the education of all children residing within the state. The passage of this excess levy will provide additional funding for certain special programs, which some residents of this school district believe would further enhance the delivery of quality education. The failure of this excess levy will in no way impact or injure the sound program of basic education which the children now receive."

Remember the remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator McDermott yield to a question? Senator McDermott, you very graciously gave me the information as to the school districts that are in the second legislative district, and you pointed out to me that because of the very low salary schedules we had it might be necessary for us to pass some levies to get our salary schedule up, and that once we had done that the funding plan would provide the money, but it was up to us to get the levies up to get the salaries up so that you would pick up the money. Now, presuming that we were not able to do it, we have a terrible time passing a levy every year, and we have a history of once every other year, so I would take it that we get one shot, and if we don't get our salaries up then we are down at the bottom forever."

Senator McDermott: "No, that is not correct. Under the present budget that we put out about a week ago, we pumped in three hundred and seventy-five million dollars into the school formula, and it was set in such a way that those districts that are presently below the state average will have considerably more money than they have previously had. The money will be available to them in the most flexible way, and I think most districts will use that to increase their salaries. So they are not totally dependent on levies for additional money for districts like you are talking about, districts like Bethel where the salaries have been quite low in the past. So that is not the sole source. There will be money in the next two years for salary increases."

Further debate ensued.

#### POINT OF ORDER

Senator Bluechel: "Mr. President, I challenge the scope and object of the amendment. While I have to agree with all of the prior speakers, I don't think this is the right way to approach the question of excess levies. I very much want to see an excess levy bill passed through this session to put a cap on them, but I don't think this is the way to do it.

"Now, in regard to the challenge, the entire bill, the Senate amendment to Substitute House Bill 960 is in chapter 28A which deals with education, and the amendment pertains to elections, and I think that the amendment should be in any election bill, but it should not be in chapter 28A."

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point of order presented by Senator Bluechel, finds that Engrossed Substitute House Bill Number 960 is a bill which, in essence, defines basic education. The President determines that the

amendment proposed by Senators Pullen, Rasmussen, Mardesich, Henry, Benitz, Hayner, Matson, Day, Lewis and Donohue is merely a statement of intent by the members of the Senate, and therefore is quite in order. The point is not well taken."

Further Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, what was the date that Judge Doran put in his decision when we had to be fully funded for basic education?"

Senator Washington: "1981."

Senator Rasmussen: "You would not take a chance, Senator Washington, being an attorney of some note, of being in contempt of court, would you?"

Senator Washington: "I can visualize that basically over the state there will be general and widespread agreement in funding with Judge Doran's decision, but I can also visualize some of the school districts who are now having a difficult time and are low, that a few of those might not be able to make it at that time. I just don't think we can predict with sufficient clarity at this point that we need to put this on the ballot at this time. I think the time to do it is 1981."

Senator Rasmussen: "If you will read the amendment, Senator Washington, and Mr. President and members of the Senate, it merely provides 'by November third, nineteen eighty-one'. You do not put it on the ballot prior to that time, and this is the time that the Legislature is charged by the judge to fully fund, and I think it falls right in with the judge's decision. There would be nothing on the ballot prior to that time. They can put as many levies as they want for any purpose, and this only says that after that date when we are funding basic education then they must explain it. I think the amendment is in order and a good proposal."

Further debate ensued.

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I have been informed that Judge Doran's decision said July first, nineteen seventy-nine, so this nineteen eighty-one date would be a long ways away from the time when we will be in contempt of court, and when we get in contempt of court, we probably won't be able to hold office."

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

#### POINT OF INQUIRY

Senator Cunningham: "Mr. President, I had a question for Senator McDermott before we go further. Senator McDermott, I spoke with you before we reconvened. On page 13 of the amendment, you are there dealing with nonpublic schools and you are limiting, as I read it, that their school day can be no longer than the required public schools. Is it the intention of this bill to simply say that they must be of at least the minimum length of the public schools in hours, but they could also be more than that?"

Senator McDermott: "That is the intention. The intention of this language is to make it possible for private schools to provide at least as much as the public schools, so we have no intention of limiting private schools in providing a longer school day."

Senator Pullen moved adoption of the following amendment to the committee amendment:

On page 5, section 4, line 35, after "act" and before the period, insert:

": PROVIDED, That beginning with the 1983-85 biennium, and in each biennium thereafter, the basic education allocation for each annual average full time

equivalent student shall increase by an amount equal to the percentage increase in the cost-of-living which occurred during the two years of the immediately preceding biennium. The cost-of-living increase shall be based on the United States Department of Labor consumer price index for Seattle, Washington".

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 19, beginning on line 3, strike all of section 18.

Re-number remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Hayner yield? Senator Hayner, I note that the language in the law before the adoption, or before the underlined matter was added, provided that the school superintendent of the district could excuse, not mandatory, and the language in the proposed amendment on line 32 says that the superintendent shall excuse."

Senator Hayner: "That is right."

Senator Mardesich: "That mandate runs not only to the conscientious conviction based on religion, but also on philosophy. I am raising the question whether it would not satisfy both parties, both sides of the debate to rather strike the word 'shall' on line 32, and impose the word 'may', so that there is some flexibility, and yet it is not mandated."

Senator Hayner: "I don't support that. In the first place, the language on line 17 says they shall be excused but only if they are physically and mentally unable to attend school. Now, many of these children are certainly physically and mentally able to attend school. Their parents do not think it advisable for them for other reasons. As far as I am concerned, it would be even worse if a child of an Adventist family that wanted to send their child to bible school at age six and seven, and the superintendent said, 'No, you may not even if you sign an affidavit.' I don't think we want that situation at all."

#### POINT OF INQUIRY

Senator Hayner: "While I am on my feet, Mr. President, may I ask Senator McDermott to yield, please? Senator McDermott, it seems to me that we had a discussion in education committee about the truancy provisions of our law, and the superintendent of instruction wanted those provisions left in the law, but the committee thought differently. Is that correct?"

Senator McDermott: "I am not aware that we took them out any place. No, they are still in the law. That must have been some other committee, because the truancy question was never included in this bill."

Further debate ensued.

#### POINT OF INQUIRY

Senator Odegaard: "I wonder, Senator Hayner, if the words 'philosophical beliefs' on line 27 would not take care of that problem if the parents really felt philosophically that their child would be better off to wait a year or two that they could sign this affidavit and stating so, and then their child could be held out a year or two?"

Senator Hayner: "Yes, indeed it does if you are going to require them to have an affidavit. I don't think they should have to have an affidavit."



Further debate ensued.

#### POINT OF INQUIRY

Senator Lewis: "Will Senator McDermott yield to a question? Senator McDermott, I think your remarks earlier indicated that certainly there are responsible parents who will take the proper measures and stay within the law and abide by it and so forth, but you are after those whose parents might not care as much, might not be as responsible. What provisions are there that anything will change in the future to insure that those children will be going to school?"

Senator McDermott: "Senator Hayner raised the question about the truancy laws, and I think maybe Senator Woody might speak more appropriately to that because I think that is in the juvenile code revision that they are working on. We did not put it in this law. I think that what we wanted to do in our definition of basic education was make a general statement. Unfortunately, when you start trying to define what the educational system should be for 750,000 children, the minute you put a specific in you begin to have problems, and we said as a general rule, we thought children ought to start at age six. If their parents wanted to take them out for one reason or another, we gave them an option on a way out.

"If the school for any reason saw them as not appropriately in school at age six, then they could by rule and regulation give them a way out, but we wanted to make as a general policy statement of the state the fact that, as a general rule, children ought to start at six. You could argue, I suppose, that you could put that date any place, but you would always have to make provisions for exceptions and that is what we tried to do in the general policy statement."

The motion by Senator Hayner carried and the amendment to the committee amendment was adopted on a rising vote.

On motion of Senator Mardesich, the following amendment to the committee amendment was adopted:

On page 17, line 24, strike "The" and insert "Except as otherwise provided by law, the".

There being no objections, the amendment to page 3, on the desk of the Secretary of the Senate was withdrawn.

#### POINT OF INQUIRY

Senator Goltz: "Mr. President, rather than to move adoption, perhaps Senator McDermott could yield to a question. It struck me, Senator McDermott, as we were in caucus this morning, that when you were explaining this bill on the blackboard, that you had graduated from the prescription writing school of penmanship and I would just like to clarify whether language arts does include penmanship."

Senator McDermott: "It should have."

#### POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator McDermott yield to a question? In order to clarify what is meant by the bill, I would like to ask, section 3 defines the minimum number of hours which are required, and mandates that a certain percentage of those will be devoted to the basic skills. If the school district provides more than that, as far as numbers of hours, does the percentage requirement apply to them...additional hours?"

Senator McDermott: "The percentage requirements in the bill are intended to apply to the required number of course hour offerings for basic education only. Those additional programs would be offered in addition to basic education, and

would be funded by local revenues, and would not be funded by the state. Consequently, a local school district may offer an additional class in whichever field the district desires and in any way distribute the time."

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator McDermott yield to another question? Senator McDermott, I sent you the materials on the plan used by the Franklin-Pierce school district of interims and programs of that nature and asked you whether this bill would prevent a school district from using that kind of innovative program. They have one month a year where the children are offered two courses which they take intensive study. In other words, in the morning they take one class; in the afternoon they take another. Is that kind of program prohibited by this bill?"

Senator McDermott: "Senator Bottiger, we have tried to write a bill that was flexible for the local districts to make any program that made sense to them for their children.

"In addition, this bill does not have an effective date until the first of September, 1978, which means that Superintendent Brouillet will have time to do a survey to find out if there is any district in the state where we have precluded them from any kind of innovative program. The reason of setting the effective date at that point was to give us time to make sure that we haven't in any way taken away local control of how the hours are distributed or how the programs are offered in the local school districts. So, there is no intention to bind the hands of any district like Franklin-Pierce that has really a very excellent program in area work skills."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator McDermott yield to a question? Senator McDermott, on page 8, starting with line 9, 'distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs: 'and sub 4, starting on line 19 includes extraordinary costs of the amount necessary to small high schools, the urban schools and the enrollment decline factor. My question is, I have some concern about the wording, 'shall provide appropriate recognition.' Does that mean that there has to be recognition provided in dollar terms, that there has to be a factor established to provide funds, for example, for the urban school factor?"

Senator McDermott: "Senator Odegaard, in drafting this section of the bill, we tried to give ourselves as much flexibility. The difficulty of writing a bill in 1977 when it has never happened in this legislature before, and is unlikely to be changed significantly for a long period of time, you are trying to anticipate what the problems of the future may be, and when the bill was originally in committee we had not included this language because when you start to write a list like this, you always wonder if you have left something out or you have put something in that you may want to take out at some later point.

"It is the intention of the committee, and certainly I hope of the legislature, by passing this bill, that these factors shall be considered by the Governor as a budget as being prepared, but it is not our intention to say that any one or the other of them must be included. In the budget that we just passed out about a week ago, we included the small school districts, the remote necessary schools, the small high schools, and schools experiencing enrollment decline. Now, those districts that are experiencing enrollment decline are essentially urban districts like Seattle and Tacoma. It is the major city districts, and this language is intended, the language on line 12, 'appropriate recognition of the following costs among the various districts'. That is very flexible language which we intended to cover these various factors. The

addition of this to the law does not, in my opinion, bind the Governor or the superintendent of public instruction to include these factors in any budget presented to the legislature."

#### POINT OF INQUIRY

Senator Bluechel: "Will Senator McDermott yield to a question, please? Senator McDermott, is there anything in the bill that would address itself to the problem of rapidly increasing population districts?"

Senator McDermott: "Senator Bluechel, you raise immediately the problem when you put a list in like this. I was thinking about your district, Lake Washington, and Richland, and a district in Clark County when I put on line 12 'the following costs among the varioud districts within the state.' That flexible language is intended to cover all of these, and there is nothing in this bill that says 'increasing enrollment'. We did not put in vocational education. That line there could be extended, I think, for some period of time while we added in all of the various factors of the school formula, but the language on line 12 will take care of districts with increasing enrollment if that becomes a significant problem that needs to be dealt with in the formula."

Senator Mardesich moved adoption of the following amendment to the committee amendment:

On page 8, section 5, line 29, after "legislature" strike all the matter down to and including "personnel" on line 35.

Debate ensued.

#### POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator McDermott yield to a question, please? In putting this into the bill when they amended it in committee, it was my understanding that this was only a method, as some people call, a 'driver' for establishing apportionment for a district, but it was not mandatory that these ratios be held to. Could you clarify that?"

Senator McDermott: "Senator Gould, members of the Senate, as we in the committee discussed the whole question of a 'floor' or a statement to the people of what our basic intention was, we considered, first of all, Senator Murray's proposal.

"It was a specific proposal that would have put everything that is presently in the budget in this basic education definition. The committee, after listening to testimony, rejected that idea.

"We then had the possibility of either defining a floor in terms of a dollar per student amount or putting in a teacher-pupil ratio. The committee rejected the dollar amount because—well, in part, we didn't want to put the levy lid in here, and that will be the subject of another bill. There certainly has to be a levy lid. We decided to do this in terms of a teacher-student ratio. How was the number picked? Well, I think that if you look at the Doran decision, one of the means he looked at as far as defining basic education was the whole question of the common sense of the people. That which the people of this state have, through special levies, been willing to support, and the effect of the passage of special levies throughout the state has been to provide enough money to provide teachers in the ratios which appear in this bill, fifty per thousand.

"Now, if you will look on page 8, there is a proviso that says, 'the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only, and shall not be construed as mandating specific operational functions.'

"Senator Clarke raises the question of whether or not we are saying that there must be a one to twenty ratio of teachers to students in the classroom. That is not

the intention of this provision. It is merely to say we will provide enough money for fifty teachers, certified people, for every one thousand children. We left to the local district the decision as to whether that means forty teachers in the classroom, or forty-five, or thirty-five and the rest administrators. That kind of decision we felt was best left at the local level.

"We have tried throughout this bill to provide an ample education for the children of this state in terms of a broad and flexible curriculum, in terms of the provisions of fifty teachers per thousand, and I think that this provision is most important as a statement to the people of our intention. It is obviously being carried out in the budget. We did it already. We did the first step, and I don't think there is any question of we are going to continue to do it.

"We have the judge behind us, and certainly school district attorneys who will make it clear to the judge that we have or have not done it, so I think this is a statement in the law as to our intention in terms of the provision of ample education, and I think it ought to be left in the law."

Further debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator McDermott yield to a question? Senator McDermott, on page 8, section 5, line 29 of the bill, there is language reading, 'PROVIDED, That by the third year following the effective date of this 1977 amendatory act, the ratios included in the formula shall reflect not less than fifty certificated personnel to one thousand students and one classified personnel to three certificated personnel.' Is it the intent of that language, as incorporated by the committee, and in the bill now on the floor, in any way mandate that class size as related to that ratio, whether for the funding of that basic education or all education in either event? Could I have a 'yes' or 'no', please?"

Senator McDermott: "The answer to your question is 'no.' It is not intended that—I guess you just wanted a 'no'. Period. No."

#### MOTION

On motion of Senator Odegaard, Senator Day was excused.

Senator Walgren demanded a roll call and the demand was sustained by Senators Woody, Washington, Bottiger, Talley, Bluechel, Guess, Matson, Jones and Rasmussen.

The President declared the question to be the roll call on the amendment by Senator Mardesich to page 8, line 29 of the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Benitz, Buffington, Clarke, Cunningham, Donohue, Guess, Hayner, Henry, Jones, Mardesich, Marsh, Matson, Murray, Newschwander, Pullen, Rasmussen, Van Hollebeke—17.

Voting nay: Senators Bausch, Beck, Bluechel, Bottiger, Fleming, Francis, Gaspard, Goltz, Gould, Herr, Keefe, Lewis, McDermott, Monohon, Morrison, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—30. Excused: Senators Day, Grant—2. The motion by Senator McDermott carried and the committee amendment, as amended, was adopted.

Senator McDermott moved adoption of the committee amendment to the title.

On motion of Senator Hayner, the following amendment to title of the committee amendment was adopted:

On page 24, line 26 of the title, beginning with "amending" strike all the matter through "28A.27.010" on line 29.

The motion by Senator McDermott carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 960, 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. 960, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—42. Voting nay: Senators Guess, Mardesich, Murray, Newschwander, Wilson—5.

Excused: Senators Day, Grant—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Jones, Senators Lewis and Sellar were excused.

On motion of Senator Marsh, Senator Odegaard was excused.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2399.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 2399, by Committee on State Government (originally sponsored by Senators Bausch, Pullen and Rasmussen):

Making the date before a legal holiday which falls on Saturday a holiday.

The Senate resumed consideration of Substitute Senate Bill No. 2399. On April 15, 1977, Senator Rasmussen had moved adoption of an amendment. There being no objection, on motion of Senator Rasmussen, the amendment was withdrawn.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Gould, Bausch, Day and Buffington was adopted:

On page 1, line 19, after "subdivisions," strike all the matter down through "appointments," on line 22 and insert "except employees of school districts and except those non-classified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months,".

On motion of Senator Rasmussen, the following amendments were adopted:

On page 1, beginning on line 30, strike all of the material down through the period on page 2, line 4, and insert:

~~"((Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an existing agreement between employees and employers of political subdivisions of the state.))"~~

On page 2, line 14, after "be" strike "a" and insert "((α)) the".

On page 2, line 16, after "be" strike "a" and insert "((α)) the".

On page 2, following line 16 add the following paragraph:

"Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute 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 Engrossed Substitute Senate Bill No. 2399 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senator Murray—1.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Grant, Lewis, Odegaard, Sellar—5.

ENGROSSED SUBSTITUTE 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.

### MOTIONS

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

On motion of Senator Talley, the following resolution was adopted:

### SENATE RESOLUTION 1977-27

By Senators Talley and Odegaard:

WHEREAS, George L. Canham of Puget Island has been a resident of the State of Washington for more than 80 years; and

WHEREAS, Dad Canham will celebrate his 100th birthday on Sunday, April 24; and

WHEREAS, This outstanding citizen of the state has been a farmer, a lumber mill worker and an expert builder of heavy timber docks and pilings; and

WHEREAS, Having come to the State of Washington from Illinois as a young man of 20 years, George Canham has been one of the builders of the Evergreen State, first residing at Carson in Skamania County, then at Woodland in Cowlitz County and settling permanently at Puget Island in Wahkiakum County in 1930; and

WHEREAS, George L. Canham has faithfully exercised his franchise as a voter, is a registered voter in Wahkiakum County and cast his ballot in both the primary and general elections of 1976; and

WHEREAS, Mr. Canham is exceptionally well informed on current political issues;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That George L. Canham be congratulated on reaching his 100th birthday and be commended for his long-time participation in the political process of the state;

BE IT FURTHER RESOLVED, That the Senate extends best wishes to Mr. Canham for many more birthdays and elections and joins with his family and many friends in celebrating this occasion;

BE IT FURTHER RESOLVED, That a suitable copy of this resolution be transmitted by the Secretary of the Senate to Mr. George L. Canham.

#### PERMISSION GRANTED FOR USE OF SENATE CHAMBERS

Senator Bottiger was granted permission for use of the Senate Chambers by the Committee on Energy and Utilities for a joint hearing for briefing on President Carter's energy plans for the state of Washington on Tuesday, April 26, 1977.

#### POINT OF INQUIRY

Senator Rasmussen: Will Senator Bottiger yield to a question? Senator Bottiger, you sort of inferred that President Carter had something special planned for us rather different than the other states. You said President Carter's plans for the state of Washington. I wonder if you had a pipeline the rest of us didn't have?"

Senator Bottiger: "I have no pipeline. I have been trying to get one, but nobody seems to want it. What we have, Senator Rasmussen, is a request from the Seattle office of the federal energy administration to brief—we had requested them earlier that when they had something ready that they would give us a briefing, and they had replied favorably, and we had selected this date, and we need a place big enough for the two committees to meet, plus I am sure people will be interested."

#### MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 19, 1977.

SENATE BILL NO. 2186, exempting solar heating and energy saving improvements from the sales and use tax (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2186 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 2487, permitting local governments greater latitude in establishing utility rates (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 2667, providing for the continued operation of the Yakima migrant labor housing project (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2811, relating to education (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2811 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 3018, permitting teachers to establish credit in the teachers' retirement system for Washington state service previously rendered (reported by Committee on Education):

Recommendation: Do pass as amended and refer to Ways and Means Committee.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Referred to Committee on Ways and Means.

April 21, 1977.

SENATE BILL NO. 3039, taxing attorney's fees against the state in certain civil cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Hayner.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 3080, creating an energy advisory council and revising other energy related laws (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3080 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

April 20, 1977.

SUBSTITUTE HOUSE BILL NO. 125, revising laws affecting residents of soldiers' and veterans' homes (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

April 15, 1977.

ENGROSSED HOUSE BILL NO. 459, affecting workmen's compensation where a change of circumstances has occurred (reported by Committee on Labor):



MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 21, 1977.

HOUSE BILL NO. 797, giving jurisdiction to the court of the county wherein an habitual traffic offender is arrested for subsequently driving without a license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 21, 1977.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 31.

MOTION

At 3:50 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, April 22, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 22, 1977.

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 Morrison, Scott and Sellar. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Scott McCutchan and Rosie Myers, presented the Colors. Reverend Richard W. Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, THERE IS ALWAYS A CERTAIN SENSE OF AWE AND WONDERMENT THAT RUSHES INTO MY BEING AS I CLIMB THE STEPS OF THIS GREAT BUILDING, ENTER THE DOORS OF THIS SENATE CHAMBER AND REALIZE AGAIN THAT I AM IN THE MIDST OF FREEDOM.

"MOST OF US KNOW FREEDOM ONLY AS A GIFT THAT HAS BEEN PASSED ON TO US, SOMETIMES FORGETTING THAT THE PRICE TAG HAS REQUIRED THE ULTIMATE SACRIFICE. LORD, WE ASK THAT YOU ADD A NEW DEPTH TO OUR DELIBERATIONS THIS DAY. CALL FORTH THE BEST WITHIN EACH OF US TO DEAL WITH PROBLEMS YET UNSOLVED. THEN MAY WE EXPERIENCE THAT SPECIAL JOY THAT COMES FROM TEACHING OTHERS FREEDOM'S SONG. IN THE NAME OF HIM WHO SETS US FREE. 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 21, 1977.

SENATE BILL NO. 2107, allowing increased occupancy of drinking establishments under state building code (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2107 be substituted therefor and the substitute bill do pass.

Signed by: Senators Bluechel, Fleming, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2513, enacting the fair campaign practices act of 1977 (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2513 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2738, requiring authorization for use of a person's name in political endorsements (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2738 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.  
Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2873, revising laws relating to legislative ethics (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2873 be substituted therefor and the substitute bill do pass.

Signed by: Senators Hayner, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 2914, revising laws on abandoned vehicles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2914 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE JOINT MEMORIAL NO. 105, memorializing the President and Congress on vessel traffic control on the Straits of Juan De Fuca (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 105 be substituted therefor and that the substitute memorial do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

April 21, 1977.

SUBSTITUTE HOUSE BILL NO. 255, granting irrigation and port districts the power to designate their own treasurers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, McDermott, North, Sellar.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

April 19, 1977.

GEORGE JOHNSON, to the position of member of the Board of Prison Terms and Paroles, appointed by the Governor on April 16, 1977 for the term ending April 15, 1982, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, McDermott, North.  
Passed to Committee on Rules.

April 19, 1977.

BARBARA NELSON, to the position of member of the State Board of Pharmacy, appointed by the Governor on April 4, 1977 for the term ending January 18, 1980, succeeding Kathryn L. Osborne (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Buffington, Francis, Gould, McDermott, Monohon, North.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

April 21, 1977.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 371,

SUBSTITUTE HOUSE BILL NO. 735,

HOUSE BILL NO. 758,

HOUSE BILL NO. 842,

SUBSTITUTE HOUSE BILL NO. 865,

SUBSTITUTE HOUSE BILL NO. 866,

SUBSTITUTE HOUSE BILL NO. 867,

ENGROSSED HOUSE BILL NO. 917,

ENGROSSED HOUSE BILL NO. 922,

SUBSTITUTE HOUSE BILL NO. 1132,

SUBSTITUTE HOUSE BILL NO. 1145,

SUBSTITUTE HOUSE BILL NO. 1258,

HOUSE BILL NO. 1264,

HOUSE BILL NO. 1284, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 21, 1977.

Mr. President: The House has adopted:

HOUSE JOINT RESOLUTION NO. 55,

HOUSE JOINT RESOLUTION NO. 56,

HOUSE JOINT RESOLUTION NO. 57,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 18, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 735**, by Committee on Appropriations (originally sponsored by Representatives Newhouse, Berentson, Leckenby, Gilleland and Clayton):

Modifying procedures in industrial insurance appeals.

Referred to Committee on Labor.

**HOUSE BILL NO. 758**, by Representatives Conner, McCormick and Gilleland:

Revising the law requiring vehicles to stop for school buses.

Referred to Committee on Transportation.

**HOUSE BILL NO. 842**, by Representatives Thompson and Whiteside (by Secretary of State request):

Removing county auditor filing requirements for business corporations.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 865**, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland and Charnley):

Establishing a revised public employees' retirement system.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 866**, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland and Charnley):

Establishing a revised teachers' retirement system.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 867**, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland, Charnley and Barr):

Creating a revised LEOFF retirement system.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 917**, by Representatives Lee, Hurley (Margaret), Craswell and Paris:

Authorizing the interagency committee on outdoor recreation to produce a state recreation guide.

Referred to Committee on Parks and Recreation.

**ENGROSSED HOUSE BILL NO. 922**, by Representatives Hansen, Burns and Sherman:

Eliminating the requirement for cities and counties to prepare long range arterial construction plans.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 1132**, by Committee on Insurance (originally sponsored by Representative Conner):

Designating the commercial driving record of a person separately for commercial insurance purposes.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 1145**, by Committee on Judiciary (originally sponsored by Representatives Becker, Charette, Blair, Tilly and Knedlik):

Enacting the uniform child custody jurisdiction act.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 1258**, by Committee on Local Government (originally sponsored by Representatives Vrooman, Knowles, Berentson, Walk, McCormick and Lee):

Authorizing private improvement or completion of county roads.  
Referred to Committee on Local Government.

**HOUSE BILL NO. 1264**, by Representative Shinpoch:  
Making changes in the laws relating to the refunding of bonds.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1284**, by Representatives Sommers, Newhouse, Shinpoch, O'Brien, Taller and Erickson:

Allowing transactions respecting University of Washington metropolitan tract to encompass time sequence of 60 years from December 31, 1980.

Referred to Committee on Higher Education.

**HOUSE JOINT RESOLUTION NO. 55**, by Representatives Conner and Gaines:

Permitting the legislature to establish reasonable rates, whether maximum or minimum for transportation.

Referred to Committee on Transportation.

**HOUSE JOINT RESOLUTION NO. 56**, by Representatives Conner and Gaines:

Removing the constitutional requirement prohibiting short-haul differential.

Referred to Committee on Transportation.

**HOUSE JOINT RESOLUTION NO. 57**, by Representatives Conner and Gaines:

Removing the Constitutional prohibition against combinations by carriers.

Referred to Committee on Transportation.

**ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 18**, by Representatives Flanagan and Hansen:

Requesting that the next state ferry be named "Kittitas".

Referred to Committee on Transportation.

## MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, Substitute Senate Bill No. 2910 will be considered after Senate Bill No. 2818.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 928.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 928**, by Committee on Energy and Utilities (originally sponsored by Representatives Lysen, Sherman, King, Kilbury, O'Brien, Charnley, Gruger, Pruitt, Gallagher, Boldt, McCormick, Hawkins, Nelson (Dick), Bauer, Gaines, Clemente and Leckenby) (by Governor Ray request):

Revising energy emergency powers and procedures.

The Senate resumed consideration of Substitute House Bill No. 928. On April 21, 1977, the bill was amended and held for further consideration today.

Senator Clarke moved adoption of the following amendment to the committee amendment:

On page 4, section 4, beginning on line 15, strike "In the event that it is necessary for the governor to convene a special session for such purpose, the legislature

shall be deemed at recess until a majority of the members of both the house and the senate call the legislature into actual session."

Debate ensued.

The motion by Senator Clarke carried and the amendment to the committee amendment was adopted.

The motion by Senator Bottiger made on April 21, 1977 that the committee amendment be adopted, carried. The committee amendment, as amended, was adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 928, 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. 928, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senators Matson, Pullen—2.

Absent or not voting: Senators Mardesich, Morrison, Sellar—3.

Excused: Senator Scott—1.

SUBSTITUTE HOUSE BILL NO. 928, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2197, by Senators Woody and Jones:  
Revising laws regulating escrow officers and agents.

### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2197 was substituted for Senate Bill No. 2197 and the substitute bill was placed on second reading and read the second time in full.

Senator Grant moved adoption of the following amendment:

On page 9, beginning with line 36 and ending on page 10, line 22, strike all of Sec. 13.

Renumber the following sections consecutively.

Debate ensued.

### POINT OF INQUIRY

Senator Washington: "Would Senator Grant yield to a question? Senator Grant, it occurs to me that you might well accomplish what you are interested in with an amendment that would be less sweeping. It could start on—just take out 'sub l' starting on line 10, and ending on line 15, which would certainly accomplish the point that I think you talked about. I share your concern particularly since quite frequently in some businesses, employees are required to file an agreement that they

won't be in competition and go into business in competition with their employer, which could further complicate the matter of someone else going into the business.

"It seems to me you could leave almost everything in that particular section and have a much smaller amendment."

Senator Grant: "Senator Washington, I agree that the amendment would be smaller, but the other portion of that particular section requiring that a person be eighteen years of age, that they have a high school diploma or its equivalent and is a resident of the state of Washington, are taken out in the stricken language up above on lines 2 through 6. Those are then being deleted. I mechanically have no problem with just a deletion of subsection 1, and I again would like to take this opportunity to speak to that issue."

Debate ensued.

#### POINT OF INQUIRY (CONTINUED)

Senator Grant: "Senator Washington, back to your question, if I felt that Senator Woody would be agreeable to the amendment striking subsection 1, I would offer that and withdraw the current amendment."

The motion by Senator Grant carried and the amendment was adopted on a rising vote.

#### MOTIONS

On motion of Senator Odegaard, Senator Mardesich was excused.

On motion of Senator Grant, the following amendment to the title was adopted:

On page 1, line 20 of the title, strike "amending section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220;"

On motion of Senator Moody, the rules were suspended, Engrossed Substitute Senate Bill No. 2197 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. 2197, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Bottiger, Morrison—2.

Excused: Senators Mardesich, Scott—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator Morrison was excused.



## SECOND READING

SENATE BILL NO. 2267, by Senators Bausch, Ridder and Talley:  
Increasing the mileage allowance.

## MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2267 was substituted for Senate Bill No. 2267, 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 1, line 15, before "relating" insert "and revenue rulings"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 2267 was advanced to third reading, the second 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. 2267, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Mardesich, Morrison, Scott—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2268, by Senators Bausch, Ridder and Talley:  
Increasing per diem.

## MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2268 was substituted for Senate Bill No. 2268, 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 1, line 13, after "regulations" insert "and revenue rulings"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 2268 was advanced to third reading, the second 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. 2268, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen,

Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Hayner—1.

Excused: Senators Mardesich, Morrison, Scott—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2288, by Senators Talley, Bluechel and Fleming (by Office of Program Planning and Fiscal Management request):

Regulating the conduct of various censuses.

### REPORT OF STANDING COMMITTEE

February 22, 1977.

SENATE BILL NO. 2288, regulating the conduct of various censuses (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, beginning with "board" strike everything down to and including "commissioners" on line 13 and insert "((board of county commissioners)) legislative authority of any county"

On page 3, line 27, before "or" strike "corporations," and insert "incorporations,"

On page 4, line 20, after "the" strike "board of county commissioners" and insert "((board of county commissioners)) legislative authority"

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendments were adopted.

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 2288 was advanced to third reading, the second 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. 2288, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Bausch, Fleming, Ridder—3.

Excused: Senators Mardesich, Morrison, Scott—3.

ENGROSSED SENATE BILL NO. 2288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2430, by Senators Mardesich, Van Hollebeke, Grant, North, Bluechel, Rasmussen, McDermott, Lewis, Murray and Jones:

Authorizing class AA or class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2430 was substituted for Senate Bill No. 2430, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2430 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: "Will Senator North yield? Senator North, has King County any agency that is constituted now where the functions of the Metropolitan Transit Company would be handled without a serious dislocation to the staff and organization of King County?"

Senator North: "King County is not in the public transportation business. Is that what you are asking?"

Senator Guess: "Yes."

Senator North: "They are not presently in the transportation business."

Senator Guess: "In other words, they would have to assemble the staff, the people with the necessary expertise in order to take over this function. Is this right?"

Senator North: "The bill, Senator Guess, provides for the blending of the two if the voters so choose, and the staff is transferred. It is in section 5, I believe, of the bill. The professional staff that know all about the public transportation would become part of the county. There is no effort to lose that expertise at all. That is protected in section 5."

Senator Guess: "Can you tell me why the move is made to try to take Metro out of the picture and put King County into the transportation business?"

Senator North: "I think that the thought here has been in terms of long range comprehensive planning, and as I remarked a little bit earlier, that Metro proceeding on its own, very often determines the growth and the whole planning function for King County by running sewer lines, by determining transportation routes, and the communication needs to be brought together."

Senator Guess: "Thank you very much."

Further debate ensued.

MOTIONS

Senator Fleming moved that Substitute Senate Bill No. 2430 be placed on the third reading calendar for April 25, 1977.

Senator Grant moved that Substitute Senate Bill No. 2430 be considered after Senate Bill No. 2490 on today's calendar.

Senator Fleming objected.

The motion by Senator Fleming carried. Substitute Senate Bill No. 2430 will be placed on the third reading calendar for April 25, 1977.

SECOND READING

SENATE BILL NO. 2444, by Senator Goltz:

Authorizing an involuntary sustained treatment program for recidivist alcoholics.

The bill was read the second time by sections.

On motion of Senator Goltz, Senate Bill No. 2444 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 Goltz yield to a question? Senator Goltz, I know that your purpose is very good. Will this not have a tendency to—I am an alcoholic. I go for treatment, and I have been working at it for years; I haven't got to that point yet, but if I should be, I go once. I go back again in the same year. I have got marital problems, and I get on the wine or whiskey. This would have a tendency for that person not to come in and voluntarily commit himself or submit to treatment because it says in the law that now, as you are proposing, that any two treatments in one year makes him subject to petition to be restrained and retained in the facility."

Senator Goltz: "First of all, Senator Rasmussen, this language is permissive. It only allows the people who are handling the treatment to make a judgment as to whether or not this person, and having been detoxified at least twice in a twelve-month period, might be subject to further treatment. I think it is permissive; I think there is an element of judgment involved. I think a person who comes in voluntarily and has this problem, probably would be less subject to this provision than a person who is picked up off the street, as it were, several times during a twelve-month period, so I think it is an attempt to take a look at the so-called revolving door recidivist. That is a person who keeps coming in and going out, occupying the detoxification facilities and overloading the detoxification facilities so that other people do not have the opportunity to use them, and makes no effort to cure his condition by further treatment."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2444, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senators Buffington, Francis, Jones, Rasmussen, Van Hollebeke, Woody—6.

Absent or not voting: Senators Henry, Matson—2.

Excused: Senators Mardesich, Morrison—2.

SENATE BILL NO. 2444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2486, by Senators Bottiger, Guess and Wanamaker (by Department of Highways request):

Modifying the methods for closing highways and restricting traffic.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2486 was advanced to third reading, the second 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. 2486, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Mardesich, Morrison—2.

SENATE BILL NO. 2486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2452, by Senator Goltz:

Authorizing reasonable restraint of persons incapacitated by alcohol by medical personnel and limiting liability for actions in the course of official duty.

## REPORT OF STANDING COMMITTEE

March 15, 1977.

SENATE BILL NO. 2452, authorizing reasonable restraint of persons incapacitated by alcohol by medical personnel and limiting liability for actions in the course of official duty (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 19, strike "medical" and insert "treatment"

On page 2, line 20, after "reasonable" insert "physical"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, McDermott, North, Ridder, Van Hollebeke, Wojahn.

The bill was read the second time by sections.

On motion of Senator Goltz, the committee amendments were adopted.

On motion of Senator Goltz, the rules were suspended, Engrossed Senate Bill No. 2452 was advanced to third reading, the second 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. 2452, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Jones, Matson—2.

Excused: Senators Mardesich, Morrison—2.

ENGROSSED SENATE BILL NO. 2452, having received the 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 Donohue, Senator Keefe was excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2563.

## SECOND READING

SENATE BILL NO. 2563, by Senators Gould, Marsh and Lewis (by Secretary of State request):

Requiring presidential electors to vote for their party's nominee.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Senate Bill No. 2563 was advanced to third reading, the second 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. 2563, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Scott—1.

Excused: Senators Keefe, Mardesich—2.

SENATE BILL NO. 2563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:06 p.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 21, 1977.

SENATE BILL NO. 2608, revising laws relating to privacy of information about crimes and criminals (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2608 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Clarke, Hayner.

Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2675, modifying the penalty for the taking of certain merchandise (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2906, expanding the right to be free from discrimination (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2906 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2958, relating to courts of limited jurisdiction (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2958 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Buffington, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 19, 1977.

SENATE BILL NO. 3010, making an appropriation to the Tort Claims Revolving Fund (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3010 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 3054, modifying timber tax distribution (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3054 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 20, 1977.

ENGROSSED HOUSE BILL NO. 236, establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

April 22, 1977.

ROBERT J. FLOWERS, to the position of member of the Board of Trustees for The Evergreen State College, appointed by the Governor on April 4, 1977 for

the term ending March 14, 1983, succeeding Tom Dixon (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

#### MOTION

At 1:07 p.m., on motion of Senator Walgren, the Senate recessed until 2:25 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 2:25 p.m.

#### MOTION

At 2:25 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 4:30 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2570.

#### SECOND READING

SENATE BILL NO. 2570, by Senators Washington, Bailey and Guess:  
Providing for a school facilities cost stabilization program.

#### MOTION

On motion of Senator Odegaard, Senators Gaspard, McDermott and Woody were excused.

#### REPORT OF STANDING COMMITTEE

March 15, 1977.

SENATE BILL NO. 2570, providing for a school facilities cost stabilization program (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, after "manufacturers," strike "and"

On page 2, line 16, after "representatives" insert ", a representative from the state fire marshal's office and a representative from the Office of Environmental Programs in the Department of Social and Health Services"

On page 2, line 33, after "projects" insert ", except modernization projects,"

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray, 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, the rules were suspended, Engrossed Senate Bill No. 2570 was advanced to third reading, the second 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. 2570, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Voting nay: Senators Buffington, Hayner—2.

Excused: Senators Gaspard, McDermott, Woody—3.

ENGROSSED SENATE BILL NO. 2570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2565.

## SECOND READING

SENATE BILL NO. 2565, by Senators Rasmussen, Herr and Buffington (by Secretary of State request):

Transferring UCC duties from the secretary of state to the department of motor vehicles.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2565 was substituted for Senate Bill No. 2565, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the following amendments were considered and adopted simultaneously:

On page 2, line 2, after "All" insert "equipment,"

On page 2, after line 22, add a new paragraph to section 5 to read as follows:

"All employees of the secretary of state, who exclusively or principally perform functions relating to the Uniform Commercial Code, and all funds relative to their functions, shall be transferred to the department of motor vehicles on the effective date of this 1977 amendatory act."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 2565 was advanced to third reading, the second 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. 2565, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Francis, Jones, Odegaard, Van Hollebeke, von Reichbauer, Wojahn—6.

Excused: Senators Gaspard, McDermott, Woody—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2565, having received the 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.

### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

### REPORT OF STANDING COMMITTEE

April 22, 1977.

SENATE BILL NO. 2250, directing enforcement of no smoking rules and providing penalties for their violation (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2250 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, McDermott, Monohon, North, Pullen.

Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2528, relating to state government and providing for the regulation of automated data processing (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2530, relating to motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2530 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2735, setting forth credentials needed for school district superintendents and exemptions therefrom (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Hayner.

MINORITY recommendation: Do not pass.

Signed by: Senators Gould, Murray.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 3074, exempting imported goods while still in the original shipping package from property taxation (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Cunningham.

Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 3100, relating to congregate care (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3100 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Cunningham, Gould, Herr, Monohon, North, Wojahn.

Passed to Committee on Rules for second reading.

April 21, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, enacting the "Public Water System Coordination Act of 1977" (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 21, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 707, revising laws relating to licensing, regulation, and inspection of massage parlors (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

Passed to Committee on Rules for second reading.

## REPORT OF STANDING COMMITTEE

April 15, 1977.

ENGROSSED HOUSE BILL NO. 495, modifying definitions under unemployment compensation law (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, strike everything after the enacting clause and insert:

"Sec. 1. 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 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter until he or she has obtained work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks (~~(-PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual left work)~~).

(2) An individual shall not be considered to have left work voluntarily without good cause when:

(a) He or she has left work to accept a bona fide job offer: or

(b) The separation was because of the illness or disability of the claimant or a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment.

(3) In determining whether an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unconscionable hardship on the individual were he or she required to continue in the employment.

(4) Subsections (1) and (3) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits until he or she has requalified, either by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five calendar weeks or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department.

Sec. 2. 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 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual (~~or whether an individual has left work voluntarily without good cause~~), the commissioner shall also consider the degree of risk involved to ~~((his))~~ the individual's health, safety, and morals, ~~((his))~~ the individual's physical fitness ~~((and prior training, his experience and prior earnings, his))~~ the individual's length of unemployment and prospects for securing local work in ~~((his))~~ the individual's customary occupation, the distance of the available work from ~~((his))~~ the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 3. Section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter until he or she has obtained

work and earned wages of not less than ~~((his))~~ the suspended weekly benefit amount in each of five calendar weeks ~~((PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual was discharged or suspended))~~.

(2) Notwithstanding the provisions of subsection (1) of this section, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been convicted of or pleads guilty to or confesses to a felony committed in the scope of employment which resulted in his or her dismissal or voluntarily quitting until he or she has obtained work with a different employer and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks.

NEW SECTION. Sec. 4. There is added to chapter 50.20 RCW a new section to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for any week during the school year commencing with the first week of scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for classes: ~~PROVIDED, That this nonregistration will be for a period of sixty days or longer.~~ The term "school" includes primary schools, secondary schools, and "institutions of higher education" as that phrase is defined in RCW 50.44.040.

This disqualification shall not apply to any individual who:

- (1) Is in approved training within the meaning of RCW 50.20.043; or
- (2) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:
  - (a) Prior work history;
  - (b) Scholastic history;
  - (c) Past and current labor market attachment; and
  - (d) Past and present efforts to seek work.

Sec. 5. Section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title benefits shall be payable to any eligible individual during ~~((his))~~ the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of ~~((his))~~ the average quarterly wages of the individual's total wages during ~~((that))~~ the two quarters of ~~((his))~~ the individual's base year in which such total wages were highest, except that if such computed amount is less than seventeen dollars, the weekly benefit amount shall be deemed to be seventeen dollars. The maximum amount payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be ~~((fifty))~~ fifty-five percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if as of any June 30th the unemployment compensation trust fund balance has improved so that the employer contribution, as determined pursuant to RCW 50.24.010 is less than 3.0 percent, the maximum amount payable weekly shall be sixty percent of the "average weekly wage" for the calendar year preceding such June 30: PROVIDED FURTHER, That if any weekly benefit or maximum benefit amount computed herein is not a multiple of one dollar, it shall be

adjusted to the nearest multiple of one dollar, except that if the computed amount ends in fifty cents, it shall be adjusted to the next higher multiple of one dollar.

Sec. 6. Section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which ~~((he))~~ the employer is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50.29 RCW: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed ~~((seventy=five))~~ eighty percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION, Sec. 7. There is added to chapter 50.24 RCW a new section to read as follows:

Only during the 1978 and 1979 calendar years, contributions payable by employers under the provisions of RCW 50.24.010 shall be payable at the rate of three and three-tenths percent of wages subject to tax, rather than in accordance with the rates therein.

Sec. 8. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week ~~((with respect to))~~ in

which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week ~~((with respect to))~~ in which the individual next files an application for an initial determination after the expiration of ~~((his))~~ the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in ~~(("employment" during his base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding his benefit year and either had "employment" in not less than sixteen weeks of his base year in each of which he earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had))~~ "employment" in not less than six hundred eighty hours of ~~((his))~~ the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in "employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for ((his)) the individual's new benefit year.

~~((As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the effective date of this 1973 amendatory act.))~~

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 9. Section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355 are each amended to read as follows:

On or before the fifteenth day of June of each year an "average annual wage", an "average weekly wage", ~~((a "qualifying annual wage", a "qualifying weekly wage"))~~ and an "average annual wage for contributions purposes" shall be computed from information for the preceding calendar year including corrections thereof reported within three months after the close of that year by all employers as defined in RCW 50.04.080. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers

reported for all months and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall be divided by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". ~~((The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.))~~ The "average annual wage" for contribution purposes is the quotient derived by dividing total remuneration reported by all employers subject to contributions by the average number of workers reported for all months by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

Sec. 10. Section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers, and until April 1, 1978, the number of weeks for which the worker earned the "qualifying weekly wage", and beginning July 1, 1977, the hours worked by each worker and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of ~~((weeks))~~ hours in a reporting period for which a worker ~~((earned the "qualifying weekly wage"))~~ worked such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such ~~((weeks))~~ hours worked the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the ~~((qualifying weekly wage))~~ state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, ~~((That the total number of weeks credited to the worker for any quarterly period shall not exceed thirteen weeks. PROVIDED, FURTHER,))~~ That the computation so made will not be subject to appeal by the employing unit.

Section 11. Chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090 are each amended to read as follows:

"Employing unit" means any individual or any type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ or in its "employment" one or more individuals performing services within this state. The state and its political subdivisions shall be deemed employing units as to any transactions occurring on or after the effective date of this 1977 amendatory act which would render an employing unit liable for contributions under RCW 50.24.130.

NEW SECTION. Sec. 12. The provisions of this 1977 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: PROVIDED, That the first paragraph of section 8 shall take effect immediately and the remaining portion of section 8 and all of section 9 shall take effect commencing with benefit years beginning on and after October 1, 1978; section 5 shall take effect commencing with benefit years beginning on and after July 3, 1977; sections 1, 2, 3, 4 and 10 shall take effect on and after July 3, 1977."

On line 5 of the title after "50.04.090" insert:

"amending section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355; amending section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070; 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; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; amending section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; adding a new section to chapter 50.20 RCW; and adding a new section to chapter 50.24 RCW; prescribing effective dates and declaring an emergency."

Signed by: Senators Ridder, Chairman; Matson, Mardesich, Morrison, Peterson, Sellar.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 495 was advanced to second reading and read the second time in full.

Senator Ridder moved adoption of the committee amendment.

#### POINT OF ORDER

Senator Grant: "Mr. President, I raise the point of order of scope and object. The committee amendment that is being presented greatly expands the scope and object of the original bill which dealt with very simple definitions, the definition of 'benefit year' and 'employing unit' in RCW 50.04.030 and 090. Those were the only two sections of the RCW that were touched, the definition sections, and the labor committee amendment that is being proposed touches on sections relating to benefits and claims with regard to disqualifications for voluntary quits, setting new standards for suitable work factors, talks about a new section with regard to disqualification for misconduct, a new section on disqualification of students.

"It even sets a new benefit level which certainly expands the scope of the original measure. It talks about contributions by the employers in addition to changing the benefit level. It speaks to the employers' contributions, and nothing was touched in that section by the original measure that was presented to us by the House. It sets a new tax base for those employers.

"I believe that the committee amendment is in violation of Article II, Section 38 of the State Constitution, and also in violation of Senate rule number sixty."

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in reply to Senator Grant's point of order that the proposed amendment changes the scope and object of the bill, the President finds that Engrossed House Bill number 495 deals simply with modifying certain definitions under the unemployment compensation law. The Senate labor committee proposed amendment makes sweeping changes in the unemployment compensation law which include increases in employer taxes, increases in unemployment workers'

benefits, changes provisions for eligibility requirements and several other major departures from the law.

"Therefore the President believes that the point of order as presented by Senator Grant is well taken and that the Senate labor committee amendment is beyond the scope and object of Engrossed House Bill 495."

The committee amendment was ruled out of order.

#### MOTION

At 4:50 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, April 25, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTY-SIXTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 25, 1977.

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 Cunningham and Scott. On motion of Senator Jones, Senators Cunningham and Scott were excused.

The Color Guard, consisting of Pages Marca Kidwell and Michael Houbrick, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD OF HISTORY! WE REFLECT UPON YOUR PAST. WE ARE SOMETIMES AMAZED AND PERPLEXED BY YOUR SHAPING OF THE PRESENT. WE ANTICIPATE WITH TIP TOE EXPECTANCY THE FUTURE YOU CHOOSE TO MAKE PRESENT. FORGIVE US FOR THE TIMES WE HAVE MISREAD THE PAST AND HAVE TAKEN TOO MUCH REST IN ITS ACCOMPLISHMENTS. FORGIVE US FOR OUR FAILURE TO MAKE THE MOST OF THE PRESENT AND SEIZING EACH OPPORTUNITY FOR SIMPLE SERVICE. FORGIVE US FOR OUR LACK OF CONCERN FOR THE FUTURE OR OUR TOO GREAT DEPENDENCE TO DO IN TIME NOT YET GIVEN. WE THANK YOU FOR THE DETERMINATION, DEDICATION AND SACRIFICE OF THE CIVIL SERVANTS OF THIS NATION AND THIS COMMONWEALTH IN DAYS AND YEARS PAST. WE THANK YOU FOR THE CAPABLE MEN AND WOMEN OF VARYING POLITICAL PERSUASIONS OF THESE DAYS WE NOW CALL PRESENT, AND WE THANK YOU FOR THE PROMISE OF YOUR ABIDING PRESENCE IN THE GOOD TIMES AND BAD WE NAME AS FUTURE. PLEASE GIVE THIS BODY THE WISDOM AND PERCEPTION TO PRESERVE, CONTINUE AND ENHANCE THAT WHICH IS GOOD FROM THE PAST. GIVE GUIDANCE TO THIS ASSEMBLED BODY TO DISCERN AND IMPLEMENT THAT WHICH IS GOOD AND NECESSARY FOR TODAY, AND MOVE US INTO A FUTURE WHERE OUR LEGISLATIVE CONTRIBUTION TO SOCIETY WILL HELP ALL PERSONS IN THIS GREAT STATE TO ENJOY THE RIGHTS YOU GIVE THEM; THE RIGHT TO HAVE, THE RIGHT TO BELONG, THE RIGHT TO BE! IN THE NAME OF CHRIST WHO BECAME HUMAN TO FREE US TO BE TRULY HUMAN. AMEN."

**MOTIONS**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

On motion of Senator Walgren, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

April 23, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3019, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3019.

## MESSAGES FROM THE HOUSE

April 23, 1977.

Mr. President: The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 67,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 351,  
HOUSE BILL NO. 448,  
HOUSE BILL NO. 474,  
HOUSE BILL NO. 477,  
HOUSE BILL NO. 649,  
HOUSE BILL NO. 653,  
HOUSE BILL NO. 703,  
HOUSE BILL NO. 704,  
SUBSTITUTE HOUSE BILL NO. 710,  
SUBSTITUTE HOUSE BILL NO. 732,  
HOUSE BILL NO. 733,  
SUBSTITUTE HOUSE BILL NO. 737,  
ENGROSSED HOUSE BILL NO. 753,  
HOUSE BILL NO. 825,  
ENGROSSED HOUSE BILL NO. 838,  
ENGROSSED HOUSE BILL NO. 877,  
SUBSTITUTE HOUSE BILL NO. 908,  
SUBSTITUTE HOUSE BILL NO. 1021,  
ENGROSSED HOUSE BILL NO. 1169,  
SUBSTITUTE HOUSE BILL NO. 1184,  
ENGROSSED HOUSE BILL NO. 1263,  
SUBSTITUTE HOUSE BILL NO. 1266, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1977.

Mr. President: The House has passed:  
HOUSE BILL NO. 1267,  
SUBSTITUTE HOUSE BILL NO. 1343,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 15, and the same are  
herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1977.

Mr. President: The House has passed:  
HOUSE BILL NO. 21,  
SUBSTITUTE HOUSE BILL NO. 27,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 138,  
SECOND SUBSTITUTE HOUSE BILL NO. 252,  
ENGROSSED HOUSE BILL NO. 424,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 593,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 890,

SUBSTITUTE HOUSE BILL NO. 1131,  
 ENGROSSED HOUSE BILL NO. 1153, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1977.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 777,  
 and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1977.

Mr. President: The House has adopted SUBSTITUTE HOUSE JOINT RES-  
 OLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

There being no objection, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 1977.

SENATE BILL NO. 2480, revising the law on unemployment compensation  
 (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2480 be substi-  
 tuted therefor and the substitute bill do pass and the bill be referred to the Com-  
 mittee on Ways and Means.

Signed by: Senators Matson, Mardesich, Morrison, Sellar.  
 Referred to Committee on Ways and Means.

April 22, 1977.

SENATE BILL NO. 2564, regulating warm air heating, ventilation, and air  
 conditioning work (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2564 be substi-  
 tuted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.  
 Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2652, relating to unemployment compensation (reported  
 by Committee on Labor):

MAJORITY recommendation: Do pass and that the bill be referred to Com-  
 mittee on Ways and Means.

Signed by: Senators Matson, Mardesich, Morrison, Sellar.  
 Referred to Committee on Ways and Means.

April 21, 1977.

SENATE BILL NO. 2669, regulating private security and investigation ser-  
 vices (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 2669 be substi-  
 tuted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.  
 Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2843, establishing the Developmental Disabilities Planning Council pursuant to federal law, revising the county developmental disabilities boards and establishing the Division of Developmental Disabilities (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2843 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Cunningham, Herr, McDermott, Monohon, Pullen.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2851, revising state employees' insurance and health care (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2851 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 22, 1977.

SENATE BILL NO. 2872, revising out-dated and offensive language pertaining to the physically, mentally and sensory handicapped and providing a defined process to determine mental status due to incompetency or disability (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2872 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2983, relating to child support (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2983 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Bottiger, Clarke, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 21, 1977.

HOUSE BILL NO. 335, modifying the procedure for awarding public works contracts by cities and towns of the second, third, and fourth class (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Fleming, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

There being no objection, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 25, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 3019, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

At 11:10 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message by the Honorable Jay Hammond, Governor of Alaska.

## JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House.

The Speaker requested the Sergeants at Arms of the Senate and the House to escort the President of the Senate John Cherberg, President Pro Tem Al Henry and Vice President Pro Tem James Keefe to seats on the rostrum, and the Speaker invited the Senators to seats within the bar of the House.

The Speaker presented the gavel to the President of the Senate.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Scott, who was excused.

The Clerk of the House called the roll of the House and all members were present except Representatives Enbody, Eng and Lee, who were excused.

The President of the Senate appointed Representatives Valle, Salatino, Taller and Owen, and Senators Odegaard, Sellar and Ridder to escort the elected state officials to seats within the bar of the House.

The President appointed Representatives Kreidler, Keller and Patterson and Senators Donohue, Pullen and Grant to escort Governor Dixy Lee Ray to a seat on the rostrum.

The President appointed Representatives King, Polk and Berentson, and Senators Bottiger, Buffington and Beck to escort Governor Jay Hammond and Attorney General Avrum Gross of the State of Alaska to seats on the rostrum.

The President: "Governor Ray, Governor Hammond, General Gross, Mr. Speaker, members of the Legislature, ladies and gentlemen: The purpose of the Joint Session is to receive a message from His Excellency The Honorable Jay Hammond, Governor of the State of Alaska. The members of the Senate, members of the House, all of the people of our state, the state elected officials, join in extending a very warm welcome to our illustrious and distinguished guest. The President this morning has the great pleasure of presenting to you at this time the Honorable Dixy Lee Ray, Governor of the State of Washington, who will in turn introduce Governor Hammond. Governor Ray."

Governor Ray: "Thank you very much. President Cherberg, Mr. Speaker, members of the Legislature, ladies and gentlemen: It's all too rare that we can host the governor and elected officials or legislative people from other states during the time that our own Legislature is in session, but we have had that opportunity these last couple of days and it has been a rare one. Contact and exchanges of information with our neighboring states are very valuable as we seek to solve reasonably some of the many problems that we face and to reinforce both economical and social ties that bind us together. In the case of Governor Hammond of the State of Alaska, we are, here in the state of Washington, very much aware of our mutual interests and we have always devoted the necessary time to develop them. When I visited Alaska last December, Governor Hammond and I agreed that although our two states are separated geographically we have perhaps more in common than any two other

states in the union. We share interests and mutual concerns in both economic and environmental areas and in the very special areas of resources, of energy, of fisheries, timbers, conservation, and we are devoted to the same kind of open and positive, careful, responsible development and utilization of those resources.

"Obviously the matter of Alaskan oil is of primary concern and our two states are deeply involved in the transportation of that valuable commodity. We were very happy therefore yesterday at a meeting of regional governors and legislators to find that we mutually agree that this valuable commodity should be utilized in the United States and that we have an important role to play in the transportation. We also have other ties educationally, and I would like us to refer to the most important development that's taken place between our two states in the utilization of satellite communications for advanced instruction in the medical profession. As a result we have had a nine hundred percent increase in medical students in our medical schools in the State of Alaska. Our ties in the so-called money programs are bringing us closer and closer together and we hope that will enlarge and extend to other fields of education as well.

"More than anything else it's a pleasure for me to welcome and introduce Governor Jay Hammond of the State of Alaska as a friend and a colleague and because, as he has so graciously said on a number of occasions, he owes to me what he is today—the only Republican Governor in the West. Thank you, Governor Hammond."

Governor Hammond: "Governor Ray, members of the Legislature, distinguished guests: I'm deeply honored by your invitation to address this body. Having been twelve years myself a legislative member, it might be expected the Alaska Legislature and I share a certain warm regard for one another. As a matter of fact, sometimes it gets downright hot.

"I don't know exactly what happens when one departs the legislative scene and assumes the chores of the executive. Moving up the one required floor in our State Capitol Building shouldn't really make much difference; however one's viewpoint certainly does refocus. I recall that when in the Legislature, I was dismayed at the arbitrary powers permitted the executive. Now, curiously, I'm dismayed at the great frustration imposed upon my exercise of office through the small inconvenience of the legislative process. Is it possible that the rarer atmosphere of higher public office could so fuddy up one's thinking, or is it because, though our objectives may be the same, like two people peering through opposite ends of the same telescope, we observe a distorted image of the other guy standing between ourselves and our objectives? I suspect we'd all be better off if governors and legislative bodies would stop peering apprehensively at one another through such fractured focus, we should look past those myopic misperceptions that we've conjured up and recognize such images are but ephemeral while those objectives which we jointly share will long endure after we've all heard that last hurrah.

"The Governor stole one of my lines. I'd intended to say that while her very gracious introduction was unduly generous, unfortunately, modestly, she omitted one important fact of which you may not be aware, and that being that in her defeat of John Spellman as Dan Evans' gubernatorial successor, your own Governor Dixy Lee has done more than anyone else to help make me what I am today, and that is the entire Republican contingency of the Western Governor's Conference, to say nothing of the only Western Governor who is inclined to wear a beard.

"Speaking of beards, you may wonder about the political liability of a set of whiskers. I know my campaign staff certainly did. In their efforts two years ago to sort of sanitize the Hammond image, they urged me to shave it off. I reflected on the matter, but I concluded that, by golly, if I didn't deserve to be governor with a beard, I certainly didn't deserve to be governor without one. Besides I was in a store one day when a clerk looked up and told me, 'Say, didn't I see you on television? By



George, you've got my vote. Any guy that's got guts enough to wear a beard and run for governor has got to be different. The rest of those fellows are all clean-shaven and trying to convey the impression of honesty and integrity and we know they're crooks.' Incidentally, after I'd won the primary I told my campaign people that I'd shave the beard and they said I didn't dare, so you see, I'm stuck with what most have finally concluded to be more a political asset than liability. Eat your heart out, Governor Ray. I'm afraid you're just going to have to make it all alone on talent.

"Alaska and Washington, of course, have common bonds of interest which stretch back almost a century. Washington was the launching port for legions of gold-seekers, many of whom planted family roots in Alaskan soil. Our fishing industries were, for the most part, founded with Washington know-how and hard cash. As Alaska tourism, transportation and most other enterprise flourishes or founders in Alaska, reverberations are felt in the width and breadth of Washington. Thus I can appreciate the interest in, and perhaps the apprehension, over that which you read and hear about Alaska and just what mischief we might be up to there. For example, are we opposed to more development as some might try to tell you? Or, as some others might assert, are we intent on rapidly exploiting our resource wealth as if there is no tomorrow? Let me first try to put my own views into perspective.

"There are some in Alaska who would brand me an environmentalist. That's a charge to which I happily plead guilty. Of course I'm an environmentalist. I'm concerned however about the economic and the social as well as the physical environment. Are there any neanderthals yet left who are unconcerned? If not, then I presume that an environmentalist is the only proper thing to be. Unfortunately, in usage labels take on a certain taint and tend to polarize, thus we find many politicians, who, while acknowledging a concern for the environment, are quick to point out they are not extremists by stating that, 'Of course, I'm a conservationist, but.' Somehow this seems to make that acknowledgement respectable. I suspect that I'm somewhat guilty in reverse. I've tried to mute the extremist charge and modify the perception of my own proclivities by professing that, of course, I'm a developer, but—my point being that neither end of the spectrum has a market cornered on extremists, just as there are some crackpot conservationists who would stop everything, there are crackpot developers who would rip-off and run roughshod over anyone and anything in their exploit of greed. Proper balance, of course, is what we should aspire to. I sometimes believe that I've achieved that balance for half the time the Chamber of Commerce is disgusted with me and half the time the conservationists are thumping me. I must admit that I've brought some of that abuse on myself. Long before I ever thought of running for this office I delighted in making irreverent statements, some of which have surfaced since to haunt me. For example, I once told a local Chamber of Commerce that I was well aware that some of their membership was apprehensive that as a conservationist I was inclined to thwart their interests. I said I wanted to alleviate their fears, and assured them that contrary to what some might try to tell them there was no truth whatsoever to the rumor that given all his druthers Hammond might put a fence around Alaska and make it into one huge national park. I told them that's a ridiculous charge, after all, your community doesn't deserve park status; that it had already degenerated beneath acceptable eligibility requirements. You can imagine why some members of that business community didn't sleep too well when I was first elected. However, I believe that many of those apprehensions have since been alleviated. Most Alaskans have to come to realize that I will support sound development, insisting only that it not do undue violence to the environment and is capable of paying its own way rather than compelling us to subsidize. Actually when you get right down to it that is what most Alaskans would ask of each prospective developmental project. The problem is that they phrase it in somewhat different terms. For example, I can go to the Chamber of Commerce and make points by stating that I favor and will promote

any development which is environmentally sound and pays its own way and they like that. On the other hand, I can go before the Sierra Club and win applause by stating that I'm going to oppose any development that is not environmentally sound, and does not pay for its way. In both cases, of course, I've said the same thing, but heaven help me if someone should ever switch my slips.

"Most Alaskans aspire to the same thing people elsewhere do. It's simply that we've had time and some options that are not as yet foreclosed. Alaska is especially blessed with what remains in large measure the last place on earth where we can do things right the first time.

"Most Alaskans share a fundamental vision of what the future of Alaska should and possibly can be. Alaskans want the freedom to choose a lifestyle designed to one's own blueprint; a natural environment that facilitates this lifestyle and inspires rather than immerses either one's surroundings or one's spirit. Yet, also, most Alaskans want a healthy, stable economic environment which is rewarding to and controlled by the people whom it most affects.

"Alaskans recognize our oil wealth is but ephemeral. Thus, most believe Alaska's long-term future lies with increased dependence on renewable resources: Fisheries, timber, agriculture and tourism. Accordingly, it is our intent to use our oil wealth to invest heavily in the enhancement of these activities.

"In order to assure that our depleting nonrenewable, 'nest-egg' inheritance wealth from oil will not be simply used to further expand government or squandered through gigantic subsidies, the Alaskan voters recently adopted a constitutional amendment creating a permanent fund savings account into which a portion of our oil wealth must go. It is our intent to use the capital wealth itself for sound investments and permit only interest earnings from this fund to be used for recurring government expenses. We realize full well that moneys from depleting nonrenewable resources belong not only to this generation of Alaskans, but to those who will come behind us. Thus, the creation of the permanent fund indicates that we have learned some lessons from the past and are determined to buy a piece of tomorrow for our children. Had we instead continued the past practice which permitted those of us in public office to pump such 'nest-egg' moneys into a ballooning bureaucracy, I fear that we might find at the rainbow's end naught but the pot, the gold would have gone into government.

"To an alarming degree, Alaska's current economic situation is dependent upon our rich petroleum reserves. Oil from the largest individual pool yet discovered on our continent, in Prudhoe Bay will begin its journey to the marketplace this summer. That historic occasion, as well as the prospective routing of our natural gas, are items which I know are of great interest to Washingtonians.

"Regarding oil transport, from the first I believed that an oil pipeline could be constructed which was reasonably failsafe. My prime concern has ever been the transportation of petroleum. From what I hear some of you share this concern as well. My concerns in this regard were somewhat modified in the wake of assurances emanating from the Coast Guard and other federal agencies during the Trans-Alaska oil pipeline route debate. At that time we were repeatedly assured that tanker standards would be upgraded substantially. Since that time, however, we've seen indications that such commitments may have been relaxed. Accordingly, we have done our best to remind respective federal agencies that tanker standards must be upgraded. While we've come some way towards accomplishing that objective, we have yet a way to go.

"Starting in 1977, shipments of more than one million barrels of oil a day will depart from Alaska's Port of Valdez by tanker. These tankers will then move down our coast through some of the most biologically productive waters in the world. The waters off your coast share this distinction and attendant vulnerability.

"Research has led us to conclude that most oil pollution can be prevented if standards for construction and operation of tankers are upgraded to the changes we've proposed. To minimize spill potential, we are asking for improved navigation and communications equipment on all tankers. This would consist of standby radar, electronic position locating equipment and collision avoidance systems. We are asking for segregated ballast tanks. We are asking for double bottoms on the largest tankers. We are asking for fuel tank gas inerting systems to prevent explosions. We believe these are reasonable requests in terms of the unreasonable risks involved. From the twelve or so tanker incidents occurring in the past few months, those risks are evident. From them we've had a tremendous amount of pollution, loss of life and, of course, huge financial loss as well. Virtually all of these particular incidents could have been avoided had the tankers been equipped as proposed by our list of standards.

"This, of course, is not simply an Alaskan issue but one national in scope. Accordingly, I'm pleased to report that at the recent Governor's Conference virtually all the nation's governors supported the above proposals.

"Another major issue in which we have common interest is the prospective gas pipeline route designed to take north slope gas to market. My administration strongly supports the so-called All-Alaskan route. We believe there are some key advantages to all in this system. First, it could deliver gas much sooner to the nation than the other routes proposed. Second, it provides capability for expansion and delivery of additional Alaskan gas reserves. Moreover, the construction of the necessary cryogenic tanker fleet to haul the liquefied natural gas would permit development of reserves in areas where economic considerations precluded construction of a pipeline. Third, there is no exposure to foreign taxation and jurisdictional uncertainties which attend routes which would traverse a foreign country. Fourth, there is minimal environmental disturbance insofar as this route follows the already established oil pipeline route. Fifth, it provides thousands of jobs to U.S. citizens both on the line and in the shipyards. It also adds an estimated \$10.5 billion dollars to the U.S. economy and a highly favorable impact upon our balance of payments. Sixth, there is no exposure to the uncertainty of decisions of a foreign nation.

"The major consideration in opposition to either one of the two Canadian alternatives is the probability of prolonged delay presented by the yet unresolved issue of the Canadian native lands question. Those of us in Alaska who watched our own oil pipeline high-center until this issue was resolved, believe it may be by far the most important consideration.

"Regarding the time schedule for decisions on the gas pipeline route: On February 1, administrative law Judge Litt of the Federal Power Commission recommended approval of a Trans-Canada natural gas pipeline system. This recommendation, of course, is only the first step in the F.P.C. consideration of the matter. The full commission is now reviewing Judge Litt's action and will make a recommendation to the President by May 1 this year. The President then will make a decision regarding the route no later than September 1. After that, Congress will have 60 days to approve his choice. I would hope that in your studies on this issue you have concluded that there are advantages to Washington in the All-Alaskan route. I know that many of your constituents have already reached that conclusion from what they have conveyed to me. Should you concur, a resolution to that effect might be helpful if conveyed to the President and Congress.

"Another issue of perhaps even greater implication for the future of Alaska goes by the cryptic designation of D-2. Most Alaskans have learned that D-2 stands not for the latest version of a supersonic bomber nor one of the highest peaks in the Karakoram Mountains, but rather the manner in which federal lands within Alaska will be managed in the future. The term D-2 actually stands for a section in the Alaska native Claims Settlement Act which authorizes Congress to set aside up to

80 million acres of so-called national interest lands, to be managed by one of four federal agencies—National Parks, Refuges, Forest Service, or the Bureau of Outdoor Recreation.

"Many in Alaska, both conservationist and developer alike, have become convinced that we should look at something different than the traditional approach which would set up in some cases federal enclaves providing for 100 percent protection for certain national interests, say, fish or game habitat, which on adjacent state or private lands would be exposed to virtual desecration depending upon the whim of state or private owner. Thus, we have proposed a new approach which would, in return for greater utilization of those federal lands, improve the likelihood of a broadly comprehensive and rational cooperative land use plan being applied to much more acreage. The need for such a plan became self-evident to me some years ago when I looked at what the feds proposed to do to a lake on which I have a homestead. Under the so-called Morton Bill, one end of that lake is proposed to go into a national park, the other end into an ecological reserve while through the middle there would be a strip of land completely open to accommodate some mining interests and throughout the shoreline would be interspersed lands in native ownership or other private holdings. It seemed obvious that under such scattered ownership nothing but a chaotic land use pattern could possibly emerge. Such could serve neither the best interest of rational 'conservationists' or 'developers' nor Congress. There are many such situations in Alaska which could be remedied only through cooperative management. Such, of course, requires all parties to make a few concessions in return for more flexibility and rational land planning.

Thus many, including our congressional delegation and myself, encourage the creation of a joint federal state land use planning commission which would attempt to establish a voluntary cooperative management plan for Alaska's variegated landowners. Membership on this commission would be comprised of four persons appointed by the governor and four appointed by the President. Federal lands not going immediately into one of the four systems but on which there were clearly national interest values would be placed in what might be termed a holding pattern. Should these lands be matched acre for acre with state and private lands, they would be eligible for cooperative management. Private owners of undeveloped lands dedicated in this fashion would receive an exemption from state and local property taxes as long as their lands were managed under the commission's guidelines. All owners would have an incentive to commit lands to cooperative management, for without such commitment neighboring landowners could go their own way to the possible detriment of adjoining land values or the possible exclusion of uses beneficial to the area as a whole. Your Senator Henry Jackson will have a great influence on the final outcome of the D-2 issue. I met with him recently in Washington to discuss this concept. I am pleased that he expressed substantial interest. However, it will be an uphill battle particularly to persuade conservationists that there are benefits for them in this alternative proposal. As a conservationist, I am convinced there are. As a developer, I am equally convinced that in return for greater utilization of those national lands most Alaskans are prepared to allow the federal government at least a voice in formulating plans which impact our lands as well. Should we not be able to work out our differences, we could, of course, then go our separate ways. However, I hope we at least have the chance to try.

"In conclusion, let me remedy a common misperception. Contrary to the views of many, Alaska at this moment is on very shaky financial ground, indeed. Not only are we currently forced to borrow some \$200 million annually from prospective future oil revenues, but from the standpoint of sound financial practice, we are in worse shape than we were back in 1960. Shocking as that may seem to some, let me prove that case. In 1960 the state's recurrent annual income per capita was more than the per capita cost of state services. Thus, we were clearly "paying our way."

We didn't go very far, but we paid our fare out of pocket. Yet the year this administration entered office, the state was spending almost twice as much per citizen as it gleaned from him in taxes. This unhealthy situation crept up almost unnoticed.

The fact that we had long since stopped "paying our way" was obscured behind a stack of cold hard cash 900 million dollars high which we received in 1969 for selling leases on the north slope. Now, unfortunately, that stack has dwindled down and more and more Alaskans can clearly see some disturbing cold hard facts. One of the most alarming is that if the government is permitted to expand at the average annual rate it has since statehood, come 1985 the costs of government could outstrip expected revenues, from all sources, by about \$1 billion dollars. These disturbing revelations prompted me to cut past average annual government growth by almost half. To do so required me to exercise my veto power to excise more than ten times the money from the budget than had all other Alaskan governors combined. Moreover, to my dismay, I found that despite our apparent oil wealth, financial prudence suggested increasing consumer and other taxes rather than reducing them. Thus, I have proposed a multitude of tax increases. Frankly, I almost wish I had not ferreted out the data which convinced me of those facts for they are not platform plans suitable for constructing pads from which successful reelection bids are launched.

"There is, of course, only one reason why a politician will fly in the face of politics—he's either right or stupid. Since you may presume the latter or share misperceptions as to Alaska's affluence, permit me to briefly open up our books for your inspection.

"Whereas in 1960 our state budget was funded totally from recurring tax revenues, this year our state budget will require that 61% of it or \$477 million come from nonrenewable resource 'nest egg wealth' which, once gone, will never come to us again. Only 39% of our current costs of government are being paid for from recurring taxes. Almost everybody and every industry in Alaska is being subsidized by our depleting wealth from oil. The dangers of continuing this practice should be painfully apparent. Yet this situation crept up on us insidiously and with little pain. Where we erred was permitting state salaries and services to escalate beyond the point the citizen was willing to pay for them through appropriate tax revenues. By injecting massive amounts of 'nest egg' oil wealth into expanding government, we lived in a politician's paradise. We could provide all sorts of wondrous new programs and not charge recipients one more cent in taxes. Were I concerned primarily with reelection, I might ignore this fact and continue as before because there really is no need to do anything about it until our nonrenewable resources exhaust some years from now. Meanwhile, I could bask in the warm glow of popularity by increasing services while reducing taxes. Instead, I intend to turn down that thermostat for what we have done is akin to keeping the home fires burning by feeding it the home. Certainly, one can stay warm and comfortable for quite awhile by throwing on first the floorboards and then the siding and the studs, but, inevitably, someday in the future the roof caves in.

"How can Alaska kick the habit of injecting massive amounts of our 'nest egg' wealth into the day-by-day bloodstream of state government? Certainly we have become so hooked that we cannot quit cold turkey. However, I believe there is a way through which we might ease withdrawal pangs. To blunt the pain of shifting to appropriate tax schedules now while we yet can, we could provide that a portion of the earnings from our permanent fund investments be given directly to Alaskans in cash dividends. Such would offset the net impact of appropriate new taxes and, thus, might elicit their necessary political support. Moreover, by giving Alaskan stockholders an actual dividend we might suppress the unhealthy growth of government. Constraints would be more popular if every time we politicians wished to expand the cost of government we had to recoup these dividend dollars from the citizen in the

form of taxes. It seems clear that the government bureaucracy will continue to balloon until there is a string tied from that balloon directly to the pocket of the citizen. The citizen in turn should require that those of us in public office twitch that string every time his money is used to expand government. Unfortunately for Alaska, as long as the public demand for services can be met in such a way that the public feels little pain, I fear we will continue to take the easy course and let that balloon float ever upward assuring that someday our children will come crashing down to earth when the last oil lease is sold and our 'nest egg' wealth is scrambled.

"Alaska, of course, can have a wondrous future, but we must chart our course carefully and program ourselves if we would ever find it. To do so requires that we must nurture our depleting 'nest egg' oil wealth and use much of it to enhance those renewable resources upon which we ultimately must depend. I would like to see an economy which would provide steady jobs for a population not much larger than we have now for once our nonrenewable resources exhaust, as they surely will, our renewable resources must be able to absorb those who would remain in Alaska.

"I would like to see sufficient oil and gas refined in Alaska to meet our needs if such can also reduce our costs, but to compel, despite the cost, refining to be done within our state or to greatly expand our petrochemical complex would simply increase the number of people who were dependent upon our depleting nonrenewable resources, and certainly it's unlikely that once our oil is gone, oil from the lower 48 will be sent back up our pipeline to keep those plants in operation.

"Most Alaskans wish to concentrate instead on permanent renewable resources industries. Accordingly, they imposed upon themselves a \$30 million bond issue for the enhancement and rehabilitation of our fisheries. Moreover, expansion into fisheries not previously exploited by Alaskans is being ardently explored and shows much promise.

"Alaskans would like to see a healthy timber industry, however most do not believe this requires a commitment of all forest lands in order to sustain it.

"Alaskans would like to see a state in which a variety of lifestyles could exist harmoniously. One where those who opt for the simple subsistence style of the bush will not be overrun by the exploiters, but a clear vision of Alaska's future is not possible until we thin the haze of red ink with which some governmental practices have served to cloud our awareness of our past, our present and what could be our future. Moreover, until we achieve the high ground of a sane and sound economical environment, our concerns for other physical and social environmental needs are likely to be set aside. Until we start paying as we go for government and support only that government—or private sector—growth which does not demand subsidy, we'll find we simply cannot afford the luxury of taking the time or money necessary to assure we do things right. Instead, we will ever be engaged in a monstrous game of exploitive catch-up which we are sure to lose.

"Some of my environmental friends have expressed distress with me for overemphasizing economics. However, I point out to them that like the string which holds intact a diamond necklace, basic financial practices thread through not only present circumstances, but all options for the future. Those practices, while to many uninteresting or undetectable, are as functionally imperative as that necklace string and unless such is of solid substance, it will inevitably unravel, scattering all sorts of bright hopes into dark corners.

The discovery of Prudhoe Bay's fantastic pool of stored sunlight has ushered Alaska into a new era. Our challenge is to successfully navigate that transition with a sensitivity that embraces the old and anticipates the new. That challenge we intend to meet with the help of many, including those of you from this great state, for I am confident that we, together, can best meet it. Thus I am pleased to have had this opportunity to convey some of my thoughts, aspirations, concerns and hopes to you. More appropriately, perhaps I should have listened to your questions rather than

doing all the talking. As a matter of fact you'd think I might have learned my lesson. Just recently I had it brought home to me dramatically that one can get into a great deal of trouble by talking when he should be listening. Just prior to the Presidential inauguration, I had my secretary place a call to the then Governor Carter. When she announced over the intercom that the Governor was on the line, I picked up the receiver and heard him say, 'Hello.' I responded, "Hello Governor, or is it Mr. President-elect, or just what does protocol dictate that I call you?" The answer was, 'You can call me the operator. I'll go get the Governor for you.' With that I had better sit down and say no more lest you come to realize that I share an affliction all too common to those of us in public office and that's the inability to confine ones' self to ten words when 10,000 words will do. If you'll grant me but two more, let me simply say, thank you."

(Applause)

The President: "Governor Hammond, on behalf of the members of the Legislature and the people of our state, I thank you very much for your most instructive and informative address. Your remarks gain even more significance when we realize that you are the first governor from another state who has ever addressed the Washington State Legislature, and we are honored and proud that you are the one to be first. As a result of your being here today, we are all sure that the friendly ties that exist between our two states are even stronger. We hope this is the first of many that you and your colleagues will make to the state of Washington."

The President introduced Mr. Avrum Gross, Attorney General of Alaska to the members of the Legislature.

The President requested the special committees to escort Governor Hammond, Governor Ray and Attorney General Gross from the House Chamber.

The President requested the committee to escort the state elected officials from the House Chamber.

#### MOTION

On motion of Mr. King, the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker of the House of Representatives.

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President of the Senate John Cherberg, President Pro Tem Al Henry and Vice President Pro Tem James Keefe, and the members of the Washington State Senate from the House Chamber.

The President called the Senate to order at 12:10 p.m.

#### MOTION

At 12:12 p.m., on motion of Senator Walgren, 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 third order of business.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, April 22, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on April 22, 1977, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2175: Allowing beer and wine to be served in containers other than glasses or bottles.

SENATE BILL NO. 2338: Permitting additional cost factors to be considered when dealing with sheltered workshops.

SENATE BILL NO. 2447: Increasing the maximum allowable assessment for tree fruit.

SENATE BILL NO. 2184: Making certain changes in the laws relating to the registration of contractors.

Sincerely,  
 JOE ZASPEL  
 Legislative Assistant.

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 21, by Representatives Greengo, Warnke, Leckenby, Barnes and Sanders:

Increasing allowable investment by banks and trust companies in stock of small business investment companies.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 27, by Committee on Commerce (originally sponsored by Representatives Paris, Warnke, Leckenby, Deccio, Lee and Salatino):

Creating the small business committee and empowering it to review matters relating to small business enterprises.

Referred to Committee on Commerce.

SECOND SUBSTITUTE HOUSE BILL NO. 67, by Committee on Energy and Utilities (originally sponsored by Representatives Sommers, Nelson (Gary), McKibbin and Douthwaite):

Transferring authority for nuclear energy development from the department of commerce and economic development to the state energy office.

Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, by Committee on State Government (originally sponsored by Representatives Eng, Lux, Pardini, Maxie, Blair, Greengo, Hanna, Salatino and Shinoda) (by Commission on Asian-American Affairs request):

Continuing the Washington state commission on Asian-American affairs until June 30, 1983.

Referred to Committee on State Government.

SECOND SUBSTITUTE HOUSE BILL NO. 252, by Committee on Judiciary (originally sponsored by Representatives Adams, Haley, Kreidler, Whiteside, Gruger, Fortson, Barr, Lux, Hanna and Charnley):

Enacting the "Natural Death Act".

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 351, by Committee on Commerce (originally sponsored by Representatives Gaines, Gallagher, Fischer, Boldt, Warnke and Charnley):

Giving insured persons the right to have damaged vehicles repaired in shop of own choice.

Referred to Committee on Financial Institutions and Insurance.



ENGROSSED HOUSE BILL NO. 424, by Representatives Douthwaite, Burns, Lux, Boldt, Leckenby, Pruitt, Nelson (Dick), Valle, Charnley, Hughes, Fischer, Knowles, Chandler, Grier and Bender:

Establishing the Washington state commission for the blind.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 448, by Representatives Warnke, Greengo and Polk (by Department of Motor Vehicles request):

Authorizing the director of motor vehicles to issue cease and desist orders to real estate salesmen and making the order violation a ground for license suspension of revocation.

Referred to Committee on Commerce.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, by Committee on Appropriations (originally sponsored by Representatives Erickson, Salatino, Sherman, Maxie, Pruitt, Nelson (Dick), Williams, Gruger, Lee, Knedlik, Lux and Valle) (by Governor Ray request):

Establishing a state women's commission.

Referred to Committee on State Government.

HOUSE BILL NO. 474, by Representatives Lux, Charnley and Berentson:

Allowing payment in full of retainage in contracts.

Referred to Committee on Commerce.

HOUSE BILL NO. 477, by Representatives Heck, Zimmerman, Gaines, Clemente, Warnke, Valle, Whiteside and Grimm:

Providing for the expunging of pupil learning/language disabilities from school reports.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 593, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Sommers, Pardini, Hawkins, Patterson, Fortson, Gruger, Heck, Nelson (Dick), Erickson, Gaines, Lux, Charnley, Berentson and Polk):

Establishing a redistricting commission.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 649, by Representatives McCormick, Warnke, Whiteside, Pearsall, Hughes, Tilly, Knowles, Adams, Erickson and Gaines:

Implementing law relating to cosmetology.

Referred to Committee on Commerce.

HOUSE BILL NO. 653, by Representatives Warnke, Greengo and Charnley (by Department of Motor Vehicles request):

Safeguarding the purchaser's contribution of money toward construction, completion, or maintenance of improvements to a land development.

Referred to Committee on Commerce.

HOUSE BILL NO. 703, by Representatives Conner, Gallagher and Berentson (by Department of Motor Vehicles request):

Revising the laws regulating motor vehicle wreckers.

Referred to Committee on Transportation.

HOUSE BILL NO. 704, by Representatives Warnke, Owen, Taller, Haley, Erickson, King and Adams:

Allowing optometrists, physicians, and psychologists to form one professional service corporation.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 710**, by Committee on Local Government (originally sponsored by Representatives Hansen, Flanagan and Tilly):

Increasing the limit above which a PUD must contract for equipment or supplies.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 732**, by Committee on Financial Institutions (originally sponsored by Representatives Fischer and Pardini):

Modifying dates for filing of financial statements by industrial loan companies.

Referred to Committee on Financial Institutions and Insurance.

**HOUSE BILL NO. 733**, by Representatives Conner, Gallagher and Gilleland (by Department of Motor Vehicles request):

Prescribing penalties for misuse of transporter plates.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 737**, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside and Warnke):

Allowing school districts to pay for insurance for students in interdistrict activities.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 753**, by Representative Knowles:

Authorizing sewer district removal of pollutants from nearby waters.

Referred to Committee on Ecology.

**SUBSTITUTE HOUSE BILL NO. 777**, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Berentson, Chandler, Gaines, Valle, Charnley, Thompson, Conner, McCormick, Burns, Bender, Maxie and Adams):

Authorizing the construction of a cultural arts center in Federal Way.

Referred to Committee on State Government.

## MOTIONS

On motion of Senator Donohue, the Committee on State Government was relieved from further consideration of Substitute House Bill No. 777.

On motion of Senator Donohue, Substitute House Bill No. 777 was referred to the Committee on Ways and Means.

## INTRODUCTION AND FIRST READING

**HOUSE BILL NO. 825**, by Representatives Hansen and Conner:

Revising county road administration procedures relating to certificates of good practice.

Referred to Committee on Local Government.

**ENGROSSED HOUSE BILL NO. 838**, by Representatives Blair and Warnke:

Excluding baby sitting referral services from the definition of employment agencies.

Referred to Committee on Commerce.

**ENGROSSED HOUSE BILL NO. 877**, by Representatives Keller, Monohon and Charnley:

Requiring notice to certain property owners before city land is rezoned.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 890, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Boldt, Monohon, Fancher, Shinoda and Vrooman):

Regulating nondairy products.  
 Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 908, by Committee on Commerce (originally sponsored by Representative Warnke):

Establishing a select joint committee to investigate business inspections.  
 Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 1021, by Committee on State Government (originally sponsored by Representative Ehlers):

Allowing the personnel board 120 days to decide on appeals from disciplinary cases.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 1131, by Committee on Agriculture (originally sponsored by Representatives Clayton, Amen, Barr, Hansen, Oliver, Newhouse, Kilbury, Boldt and Flanagan):

Clarifying the law on the storage of agricultural commodities.  
 Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1153, by Representatives Adams, Pruitt, Lux, Kreidler, Barr and Haley:

Creating handicapped persons priority in the services of the employment security department.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1169, by Representatives Adams, Kreidler, Hanna and Haley:

Modifying restrictions on marriage.  
 Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1184, by Committee on Appropriations (originally sponsored by Representatives Martinis, Moreau, Kilbury, Smith, Boldt, Owen, Vrooman, Grier, Adams, Burns, Schmitt, Taller, Wilson, Zimmerman, Haley, Greengo, Lux, Fortson, Walk, Knedlik, Becker, Berentson, Chandler and Grimm) (by Governor Ray request):

Authorizing salmon enhancement facilities bonds.  
 Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1263, by Representatives Lysen, Thompson and Dunlap:

Deleting references in the law to the state power commission.  
 Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 1266, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Authorizing the director of general administration to deputize an assistant as supervisor of division of savings and loan associations to perform the supervisor's functions in his absence.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 1267, by Representatives Eng and Pardini:

Authorizing the investment of bank and trust company reserve funds.  
 Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1343, by Committee on State Government (originally sponsored by Representatives North, Erickson, Nelson (Gary), Ehlers, Fortson and Blair):

Adding two lay members to the state veterinary board of governors.  
Referred to Committee on Agriculture.

ENGROSSED HOUSE JOINT MEMORIAL NO. 15, by Representatives Bond, Lysen, Dunlap, McCormick, Oliver, Struthers, Sanders, Chandler, Hansen, Walk, Clayton and Polk:

Memorializing the President of the United States and several sister states to meet in conference on rising British Columbia gas prices.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 32, by Committee on Elections and Governmental Ethics (originally sponsored by Representatives Sommers, Pardini, Hawkins, Fortson, Gruger, Lysen, Heck, Nelson (Dick), Erickson, Lux and Charnley):

Amending the Constitution to provide for a redistricting commission.

Referred to Committee on Constitution and Elections.

#### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2840.

#### SECOND READING

SENATE BILL NO. 2840, by Senators Marsh, Donohue, Scott, Buffington, Henry, Wojahn, Day, Bottiger, Gaspard, Jones and Odegaard:

Modifying income requirements for retired persons' tax exemptions and increasing exempt property valuation.

#### MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2840 was substituted for Senate Bill No. 2840, 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 2, line 17, after "\$7,001-" delete "\$8,000" and insert "\$10,000"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained by Senators Pullen, Gould, Woody, Van Hollebeke, Day, Keefe and Herr.

The President declared the question before the Senate to be the roll call on the amendment by Senator Rasmussen.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 8; nays, 39; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Gould, Henry, Pullen, Rasmussen, Van Hollebeke, Wojahn, Woody—8.

Voting nay: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison,

Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Washington, Wilson—39.

Absent or not voting: Senator Walgren—1.

Excused: Senator Cunningham—1.

Senator Benitz moved adoption of the following amendment:

On page 2, line 25, after "retirement," insert "veterans' disability benefits,"

The following amendment by Senator Goltz to the amendment by Senator Benitz was adopted on a rising vote:

Amend the Benitz amendment to page 2, line 25 as follows:

After "disability" insert "and widows"

Debate ensued.

The motion by Senator Benitz failed and the amendment, as amended, was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 2, line 24, strike "two-thirds" and insert "((two-thirds)) one-third"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 2, after line 31, add a paragraph as follows:

"For claims filed in 1978 and each year thereafter, the income range limitations prescribed by this subsection (and as previously adjusted pursuant to this paragraph) shall be adjusted by the percentage change in the consumer price index in Seattle for the twelve month period ending September 30 of the previous year."

Debate ensued.

Senator Bottiger moved adoption of the following amendment to the amendment by Senator Rasmussen:

Amend the Rasmussen amendment to page 2, line 31 as follows:

On the fifth line of the amendment, after "change" strike the remainder of the amendment and insert "in social security benefits of the previous year."

#### POINT OF INQUIRY

Senator Scott: "Would Senator Bottiger yield? Senator Bottiger, would a fifteen percent inflationary increase in social security necessarily or automatically equate to a fifteen percent dollar increase in property taxes? I don't see any necessary relation between the two, and we may be getting our current arrangement out of line."

Senator Bottiger: "Senator Scott, it doesn't because social security depends on Congressional action, and there will be a period where they don't and then they do, and there may be a change. But what I am seeking to do is find those people that are, because of their social security income, exempt from the special levy tax relief, and that is all we are exempting them from, and keep them level irrespective of any social security increase they get. So if you got a fifteen percent increase applied to the eight thousand or the seven thousand dollar exemption, that exemption would move up to the same percentage. If there was no social security increase, there would be no exemption increase."

#### POINT OF INQUIRY

Senator Ridder: "Senator Bottiger, I wonder if you would yield? I am somewhat confused. It would seem to me that if social security went up, say ten percent, but a person's income were not based only on social security, and it would probably have to be based on other things if they were to be in danger of losing their exemption, wouldn't you be actually increasing the exemption by a larger dollar amount than the social security base?"

Senator Bottiger: "Senator Ridder, you could be. I could conceive of somebody having, say, an eighty dollar a month social security plus, say, a teacher's retirement pension. When social security went up ten percent, you would be raising that exemption. If the teacher's pension went up and the social security both went up the same percentage, that person would not lose their exemption. If teacher's went up a lesser amount and social security a greater, you might add a very few number of new people who would be entitled to an exemption. I think it would be so small that we would find the bottom level and it would raise by whatever percentage social security does."

Senator Ridder: "It would just seem to me that if you are talking eight thousand dollars and social security went up ten percent, you would be talking about an increase to eighty-eight hundred, whereas the actual dollar amount that that person went up on your proposed eighty dollars would be only eight dollars, so that you would really be giving them a massive increase on the basis of the language that you suggested."

Senator Bottiger: "There would, I think, be a few people who fell in that category. I would presume their other retirement income would probably go up a similar percentage. Let's say a teacher's retirement with an escalator clause in it. We are still talking about the bottom group of people in allowing an automatic increase."

Senator Ridder: "I would have to answer you that I really think then that we are reaching outside of that extremely low income group. My math says that if you are earning four dollars an hour on the basis of a forty hour week, you are only earning eight thousand dollars, and if you happen to be a young married person trying to support a family on that, you don't get that kind of an exemption."

#### POINT OF INQUIRY

Senator Morrison: "Would Senator Bottiger yield to another question? Senator Bottiger, is there any conflict between your add-on of the full benefit increase and the two-thirds provision immediately preceding it? I can see where we could be giving more exemptions because they would be getting the increase removed by your amendment and then only two-thirds of it considered as a deduct up above."

Senator Bottiger: "That would, in effect, diminish Senator Ridder's example. They only count for social security purposes two thirds of the increase, so in that case, I think we would probably take that eighty dollars or eight hundred dollars up to maybe what, twelve."

#### POINT OF INQUIRY

Senator Mardesich: "Senator Bottiger, do I interpret this as a sort of an integration with social security and this is the principle which you support in other areas?"

Senator Bottiger: "Senator Mardesich, I have always thought you borrowed the idea from me."

Senator Mardesich: "I didn't get that to be 'yes' or 'no'. Would you be more direct?"

Further debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Bottiger yield? Senator Bottiger, is this an automatic increase? Every time social security changes the plan will change?"

Senator Bottiger: "That would be the intention, Senator Guess. If Congress were to, say every two years, grant a social security benefit, then this exemption would go up by that same percentage amount."

Senator Guess: "Have you any idea what this would cost us for the last time that they raised it?"

Senator Bottiger: "No, sir."

POINT OF INQUIRY

Senator Guess: "Would Senator Donohue yield? Senator Donohue, have we got this much money in the treasury?"

Senator Donohue: "Senator Guess, I was going to rise in a moment and speak against the amendment. I don't know what the fiscal impact would be to local government, nor to the state as it relates to property taxes, and we are talking about schools and so forth. This is the kind of a thing that should be discussed in committee. Here we are out here on the floor trying to determine something. We don't have the proper information before us, and it would seem appropriate to go ahead and pass this bill the way it came out of committee. It is a good bill. It is an update after two years.

"We are going to be back here probably in six or seven months. If it becomes a critical issue, I don't see any reason, Senator Guess, why we can't take a look at it then, so I am against the amendment. I don't know the answer to your question, and that is one of the reasons that I oppose it."

Senator Guess: "Thank you, Senator."

The motion by Senator Bottiger failed and the amendment to the amendment by Senator Rasmussen was not adopted on a rising vote.

The motion by Senator Rasmussen failed and the amendment was not adopted. Senator Rasmussen moved adoption of the following amendment:

On page 3, strike all of lines 3, 4, and 5.

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted on a rising vote.

On motion of Senator Marsh, the rules were suspended, Engrossed Substitute Senate Bill No. 2840 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. 2840, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senators Francis, Guess—2.

Excused: Senator Cunningham—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, the Senate advanced to the eighth order of business.

On motion of Senator Wilson, Senators Sellar, Guess, Peterson and Rasmussen were permitted as additional sponsors to Senate Resolution 1977-30.

Senator Wilson moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-30

By Senators Wilson, Sellar, Guess, Peterson and Rasmussen:

WHEREAS, The U.S. Corps of Engineers, Bonneville Power Administration, the Bureau of Reclamation and other federal agencies intend to release approximately two million acre feet of water from Lake Roosevelt behind Grand Coulee Dam in an effort to flush juvenile salmonids over Columbia River dams rather than causing them to pass through turbines, thereby increasing their prospects for survival; and

WHEREAS, This release will contribute substantially to lower-than-normal water levels in Lake Roosevelt, to the effect that this lake, with a normal full level of 1,290 feet above sea level, will be drawn down to about 1,235 feet and even by July 1 will not have risen beyond 1,280 feet; and

WHEREAS, According to the U.S. Army Engineers, even when Lake Roosevelt is only 11 feet below its normal full level log landings must be rebuilt, log booms become stranded, logging schedules are disrupted, piers and resort facilities are left high and dry, irrigated farmers pumping from the lake must lift water higher and in some instances will be unable to pump, and wells dependent on the lake for recharge may well run dry; and

WHEREAS, These consequences and others almost certainly will cost millions of dollars in loss to individuals and industries whose livelihoods are dependent on normal water levels in Lake Roosevelt; and

WHEREAS, The drawdown additionally will cost a net loss of an estimated 500 million kilowatt hours in power production during a drought year which even without the drawdown is likely to produce power shortages later this year, affecting the entire Northwest; and

WHEREAS, The only possibility of relieving the Lake Roosevelt industries of at least a portion of the abnormally high price they are expected to pay in this effort to save a portion of the salmon run lies in the purchase of additional water stored behind Mica Dam or elsewhere in British Columbia, so as to raise the level of Lake Roosevelt and thus mitigate their damages; and

WHEREAS, The recently-passed federal emergency drought relief act contains \$10 million for the purchase of additional water under certain circumstances; and

WHEREAS, The fish salvage operation is a federal program and therefore it should be an obligation of the federal government to provide relief for those individuals and industries uniquely and adversely affected;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington respectfully urges the Congressional delegation from this state to do everything possible to insure that at least a portion of the available federal funds will be spent to replenish water in Lake Roosevelt so as to cause a minimal disruption of economic activities dependent on normal lake levels, and the Senate further requests that the Governor's Office continue its efforts in support of this action; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to each member of the Congressional delegation from the State of Washington.

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, concurring with Senator Wilson and desiring to ask a question if Senator Guess would yield? Senator Guess, it is my



understanding we have a dam site that if we had the dam and the power generation, we would be saving a million barrels of oil a year. Wouldn't that dam site additionally give us the additional water storage that would be worth millions and millions of dollars in times like this and in ordinary times also?"

Senator Guess: "That is correct, Senator."

Senator Rasmussen: "What is that?"

Senator Guess: "The High Mountain Sheep Dam would have supplied us something in the neighborhood of in excess of five million acre feet of water. The total number of acre feet of water going to be released to the spring fish freshet is about two million acre feet, so you see we would have had two and one-half times that amount of water to come out of High Mountain Sheep. I think that we ought not to overlook the fact that there are two dams in Montana that are going to contribute to this in addition to Grand Coulee. However, Coulee is largely responsible for the fish portion of it, but to make up for that we will have water spilled out of Libby Dam and Hungry Horse.

"Down in Idaho the people around there are a little bit up tight because they are going to spill water out of Dworshak, and Dworshak and Albany Falls will both spill water for us. The situation is the most grave that we have faced in my lifetime, and I think that we certainly want to urge the Congress to buy as much water—

"The water that they are talking about is coming out of the Keenleyside Dam system. The Canadians built that in cooperation with a treaty a number of years ago, and actually, that water is being paid for by us. They are being given power or the revenue from the power, but the Canadians took a bold step forward when they built that series of dams up there, and it has proven to be one of the best cooperative efforts between two nations that is on record. We ought not to forget the fact that the Canadians have helped us, and I believe that if we can buy this water from them, it will be of a great deal of benefit to us."

The motion by Senator Wilson carried and the resolution was adopted.

#### MOTION

At 2:55 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 26, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 26, 1977.

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 Cunningham. On motion of Senator Jones, Senator Cunningham was excused.

The Color Guard, consisting of Pages Fionna Sigalla and David Wilkinson, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD! TO YOU ALONE BELONGS THE KINGDOM, THE POWER AND THE GLORY! WE ACKNOWLEDGE YOU AS THE ONE WHO HAS ORDAINED HUMAN GOVERNMENT FOR THE TEMPORAL WELFARE OF MANKIND AND ALL THAT BELONGS TO YOUR CREATION. GRANT AND CONTINUE TO US A SUCCESSION OF LEGISLATORS WHO HAVE BEEN TAUGHT AND ARE WILLING AND ABLE TO DEMONSTRATE THE WISDOM OF YOUR KINGDOM.

"ENDOW ALL MEMBERS OF THIS BODY WITH A RIGHT UNDERSTANDING, A PURE PURPOSE AND SOUND SPEECH. ENABLE THEM TO RISE ABOVE ALL SELF-SEEKING AND PARTY ZEAL INTO THE LARGER SENTIMENTS OF PUBLIC GOOD AND HUMAN BROTHERHOOD. PURGE OUR POLITICAL LIFE OF EVERY EVIL. MAKE US TO LOVE PEACE AND FAIR DEALING. INSPIRE US WITH CALMNESS AND SELF-RESTRAINT AND THE ENDEAVOR TO FURTHER THE DOING OF THY WILL, PARTICULARLY IN THE DECISION MAKING PROCESSES OF THIS LEGISLATIVE BODY. WE RENDER OUR THANKS AND PETITION YOUR HELP IN THE NAME OF 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

April 22, 1977.

SENATE BILL NO. 2155, requiring disclosure and approval of agreements in civil actions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Hayner, Jones.

Passed to Committee on Rules for second reading.

April 21, 1977.

SENATE BILL NO. 2499, abolishing the legal services revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2499 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Marsh, Rasmussen, Ridder, Sandison, Walgren, Woody.

MINORITY recommendation, Do not pass.

Signed by: Senators Jones, Morrison, Murray.

Passed to Committee on Rules for second reading.

April 20, 1977.

SENATE BILL NO. 3067, establishing the Washington State Register (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3067 be substituted therefore and that the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Woody.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED HOUSE BILL NO. 104, exempting volunteer firemen from the state minimum wage act (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED HOUSE BILL NO. 150, revising the definition of "public work" for government contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED HOUSE BILL NO. 210, authorizing a civil penalty to be assessed against certain public officers who fail to have motor vehicles marked in accordance with the provisions of state law (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 267, modifying the law on the acquisition and disposition of public lands for state highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 25, 1977.

ENGROSSED HOUSE BILL NO. 298, extending forest patrol assessments to public bodies (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 25, 1977.

HOUSE BILL NO. 376, removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 396, pertaining to selection of jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 25, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, modifying the home-stead exemption (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 470, setting forth the "In-service training act of 1977" for common school personnel training (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

April 25, 1977.

ENGROSSED HOUSE BILL NO. 543, funding public transportation systems (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 26, 1977.

HOUSE BILL NO. 583, permitting school districts to waive or reduce fees for low-income senior citizens (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

April 25, 1977.

**SUBSTITUTE HOUSE BILL NO. 643**, granting grandparent visitation rights (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 26, 1977.

**SUBSTITUTE HOUSE BILL NO. 656**, mandating certain public agencies to make surplus books, equipment, etc., available at depreciated cost to private schools (reported by Committee on Education):

**Recommendation:** Do pass as amended.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

April 25, 1977.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 873**, regulating the harvesting of specialized forest products (reported by Committee on Natural Resources):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

April 23, 1977.

Mr. President: The House refuses to concur in the Senate amendments to **SUBSTITUTE HOUSE BILL NO. 928**, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Substitute House Bill No. 928: Representatives Lysen, Martinis and Dunlap, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 928 and the Senate amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 928 and the Senate amendments thereto: Senators Bottiger, Matson and Bausch.

#### MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

#### MOTION

At 10:18 a.m., on motion of Senator Walgren, the Senate recessed until 11:35 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2430.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2430, by Committee on Local Government (originally sponsored by Senators Mardesich, Van Hollebeke, Grant, North, Bluechel, Rasmussen, McDermott, Lewis, Murray and Jones):

Authorizing class AA or class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation.

## MOTION

Senator Fleming moved the rules be suspended and Substitute Senate Bill No. 2430 be returned to second reading.

Debate ensued.

The motion by Senator Fleming carried. Substitute Senate Bill No. 2430 was returned to second reading.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Bluechel:

On page 1, line 15, after "act" insert ": PROVIDED, That such assumption is first approved by resolution of the metropolitan council, which approval may be conditioned upon a specific reorganization or reconstitution of the county's legislative body"

Debate ensued.

The motion by Senator Fleming failed and the amendment by Senators Fleming and Bluechel was not adopted.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2430 was advanced to third reading, the second 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. 2430, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Washington, Wilson, Wojahn, Woody—36.

Voting nay: Senators Bluechel, Buffington, Clarke, Fleming, Francis, Herr, Jones, Murray, Pullen, von Reichbauer, Walgren, Wanamaker—12.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Senate returned to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3051.

## SECOND READING

SENATE BILL NO. 3051, by Senators Odegaard, Donohue, Sandison and Guess:

Mandating appointment of community college treasurers and providing for advancements for vendor payments by said treasurers.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3051 was substituted for Senate Bill No. 3051, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 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 Substitute Senate Bill No. 3051, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senator Cunningham—1.

SUBSTITUTE 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.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2161.

## SECOND READING

SENATE BILL NO. 2161, by Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request):

Transferring funds in the community college bond retirement fund and reserve account to the general fund.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2161 was substituted for Senate Bill No. 2161, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2161 was advanced to third reading, the second 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. 2161, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2284, by Senators Odegaard and Donohue (by Department of Natural Resources request):

Regulating the transfer of state forest lands to counties for park purposes.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2284 was referred to the Senate Committee on Natural Resources.

#### SECOND READING

SENATE BILL NO. 2462, by Senators von Reichbauer, Sellar and Gaspard: Protecting initiative and referendum petition signatures.

#### REPORT OF STANDING COMMITTEE

March 24, 1977.

SENATE BILL NO. 2462, protecting initiative and referendum petition signatures (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, strike all of lines 27 and 28, and insert "(1) Signature petition sheets for initiatives, referendums, recalls, petitions of organization or certificates of nomination of minor political parties, and petitions of nomination of candidates for public office."

Signed by: Senators Grant, Chairman; Hayner, Lewis, Monohon, Pullen, von Reichbauer.

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 rules were suspended, Engrossed Senate Bill No. 2462 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Pullen: "Would Senator von Reichbauer yield to a question? For the purpose of establishing legislative intent, could you tell me if there is any language



in the bill that would prohibit the sponsors of an initiative from photocopying for their own records the signatures prior to submitting the petitions to the secretary of state?"

Senator von Reichbauer: "As you recall from the committee meeting of the constitutions and elections committee when this question was raised, there is no language whatsoever that would prohibit that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2462, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—35.

Voting nay: Senators Buffington, Clarke, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, Rasmussen, Talley—12.

Absent or not voting: Senator Wanamaker—1.

Excused: Senator Cunningham—1.

ENGROSSED SENATE BILL NO. 2462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2510, by Senators Beck and Washington:  
Authorizing the establishment of transportation centers.

REPORT OF STANDING COMMITTEE

February 28, 1977.

SENATE BILL NO. 2510, authorizing the establishment of transportation centers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 4, after "is" and before "to" strike "essential" and insert "desirable"

On page 1, line 8, after "cities" and before "of" strike "and towns" and insert ", towns, counties, public transportation benefit area authorities, and municipal corporations."

On page 1, line 11, after "city" and before "may" strike "or town" and insert ", town, county, public transportation benefit area authority, or other municipal corporation, authorized to operate public transportation services"

On page 1, line 16, after "city" strike "or town" and insert ", town, county, public transportation benefit area authority, or municipal corporation,"

On page 1, line 30, after "city" strike "or town" and insert ", town, county, public transportation benefit area authority, or municipal corporation,"

On page 2, line 2, before "may" strike "city or town" and insert "operator"

On page 2, line 6, after "the" and before "may" strike "city or town" and insert "operator"

On page 2, line 7, after "but" and before "shall" strike "the city or town"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

On motion of Senator Beck, the committee amendments were adopted.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 28, after "foregoing" strike "or harmonious with the foregoing"

#### POINT OF INQUIRY

Senator Woody: "Would Senator Beck yield to a question? Senator Beck, I am reading this bill, and it apparently, correct me if I am wrong, would allow cities to operate or let, lease, the centers or portions of it for all sorts of purposes including taxis, auto rentals, travel agents, commercial airlines, air charter. Now is it your intention or was it the intention of the committee that cities could get into the business of running on their own, centers for commercial airlines or travel agencies and owning those things?"

Senator Beck: "I don't think that it was the intention—what the intent of this bill, Senator Woody, is is to permit these abandoned transportation centers to be utilized to try to make it a headquarters. For example, up in Seattle, let's take the King Street Basin down there. That is more or less becoming a center for railroad stations. If we could make that a great big terminal for all different modes of transportation, it might help to solve some of the problems in that particular area.

"I think Senator Washington would like to speak also. We also have an abandoned railroad station over in his district that is quite valuable and could be used for an awful lot of purposes. I would call on Senator Washington if he would like to elaborate on that."

#### POINT OF INQUIRY

Senator Woody: "May I ask that same question of Senator Washington?"

Senator Washington: "As I understand it, your concern is that the intermodal transportation center would itself go into the business of running taxis or travel agencies and such."

Senator Woody: "That is correct, Senator."

Senator Washington: "The idea is that you provide the center, and that for instance, the one that I am most familiar with would be the relatively large abandoned station in Ephrata, a substantial amount of space. There is space there for a travel agent to be able to sell airline tickets. You would have space there if the Amtrak didn't continue with ticket service to have that same person be able to sell Amtrak tickets. It would be the place where the taxi service could pay rent and have a taxi stand. It would be this type of thing, where Greyhound Bus Lines could come into that particular point, and the intention is that it serves this type of business, but that it would be the center, but it not be the purveyor of those particular services."

Senator Woody: "Senator Washington, why are we limiting this, then, to cities and towns, and why do we not include counties within this authority?"

Senator Washington: "The amendment took care of that. I think it was a good amendment."

Senator Woody: "I missed that. Thank you, Senator Washington."

#### POINT OF INQUIRY

Senator Woody: "Mr. President, if I might, Senator Henry? May I address that same question to Senator Henry?"

Senator Henry: "Senator Woody, the answer is 'no'."

#### REMARKS BY SENATOR WASHINGTON

Senator Washington: "If you have some, maybe a suggested amendment, because there is no idea, I think the overall wording of the bill, nor is there any idea that the cities or public agencies are going to engage in these activities, although it might be possible if you had a municipal bus system, that the municipal bus system

would operate out of there. There is some possibility in small towns to have the dial-a-bus system that would belong to the municipal corporation, and of course, it would operate out of the transportation centers."

Further debate ensued.

MOTION

At 12:40 p.m., on motion of Senator Walgren, 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, Senate Bill No. 2510, as amended, will be considered following Senate Bill No. 2662.

SECOND READING

SENATE BILL NO. 2634, by Senator Peterson:  
Relating to natural resources.

MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2634 was substituted for Senate Bill No. 2634, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2634 was advanced to third reading, the second 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. 2634, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Cunningham—1.

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.

MOTION

On motion of Senator Walgren, Senate Bill No. 2662 was ordered to hold its place on the second reading calendar for April 27, 1977.

SECOND READING

SENATE BILL NO. 2702, by Senators Donohue and Odegaard:  
Relating to K-12 education.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2702 was substituted for Senate Bill No. 2702, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2702 was advanced to third reading, the second 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. 2702, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Bausch, Bottiger—2.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2502, by Senators Donohue, Jones and Bailey:

Establishing procedures for the measurement of locally assessed property values for purposes of equalizing property values.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2502 was substituted for Senate Bill No. 2502, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, Substitute Senate Bill No. 2502 was advanced to third reading, the second 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. 2502, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Murray—1.

Absent or not voting: Senator Bausch—1.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2510, by Senators Beck and Washington:  
Authorizing the establishment of transportation centers.

The Senate resumed consideration of Senate Bill No. 2510, as amended earlier today.

Senator Woody moved adoption of the following amendment:

On page 1, line 13, after "operate" strike "or let" and insert "for purposes of leasing space at fair market value for the services set forth in section 3 of this act, and to perform other functions permitted by law,"

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a question? Senator Francis, I am under the impression that King County has their own charter, and therefore they can do anything except that which is prohibited in the Constitution. Is that correct?"

Senator Francis: "I don't know the answer to that one, Senator Rasmussen."

Senator Rasmussen: "That is my understanding, that they are the only county that operates under their own charter and they can do anything."

Senator Francis: "I certainly agree that that is your understanding, Senator. However, I think that maybe this might modify the county charter since it makes it pretty clear that they couldn't continue to operate it themselves. That is just the way I read this amendment. All I am asking is, give me a reason for voting for this amendment. Otherwise, I have got to vote against it."

On motion of Senator Clarke, the following amendment to the amendment by Senator Woody was adopted:

In the Woody amendment to page 1, line 13, on the second line of the amendment, retain the words "or let"

The motion by Senator Woody carried and the amendment, as amended, was adopted.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2510 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Lewis: "Mr. President, would Senator Washington yield to a question? Senator Beck mentioned, of course, the desirability of using these old buildings and abandoned railroad stations, et cetera, but the bill says 'may construct or otherwise acquire'. Can you visualize any circumstances under which a city or a governmental entity described herein would get into the business of getting federal funds, which I believe has to be the purpose of the bill, to build a center such as this and then lease space to travel agencies and other related businesses that now rent from private enterprise and go into the business of running a transportation center? Can you visualize that happening?"

Senator Washington: "Well, I think to answer you honestly, I think that could be a possibility. I know there are some possibilities of federal funds, at least for old depots. Now, I can't answer you whether or not it could be utilized for construction, but at least there very possibly could be federal funds utilized, particularly as I say, for depots."

"On the other hand, I can also visualize a town like my own, if they didn't have a depot, and at the present time the Greyhound Bus comes in at the outside of town at a very small grocery store. It closes about nine o'clock. Most of the buses come in at a time when it isn't open. It is cold. We do need a bus station. We do need places, a central place for the taxis to come in. I can also visualize possibly the city wanting to have a central place if they get into a dial-a-ride type of a bus operation where older people can come in towards the center of town, and that you find that it would be proper to do that. Just like you found it was very necessary to build an airport in Spokane, and you leased out facilities to private enterprise to make that a handy place for people to come and utilize transportation facilities. I am sure there were federal funds involved in the Spokane airport.

"Ephrata's idea is in small towns are much less sweeping than that, very small but very important to the small towns."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2510, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lewis—1.

Absent or not voting: Senator Bausch—1.

Excused: Senator Cunningham—1.

ENGROSSED SENATE BILL NO. 2510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2800, by Senators Donohue and Sandison:  
Relating to tuition and fees of state institutions of higher education.

### MOTION

On motion of Senator Walgren, Senate Bill No. 2800 was referred to the Senate Committee on Higher Education.

### SECOND READING

SENATE BILL NO. 3004, by Senators Francis, Marsh and Walgren:  
Adding three members to the judicial council.

### REPORT OF STANDING COMMITTEE

April 7, 1977.

SENATE BILL NO. 3004, adding three members to the judicial council  
(reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, strike "~~((two)) three~~" and insert "two"

On page 1, line 23, strike "~~((two)) three~~" and insert "two"

On page 2, line 3, strike "six" and insert "Eight"

On page 2, line 8, after "court, and" and before "to be" strike "two" and insert "~~((two))~~ four"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Jones, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted.

Senator Francis moved adoption of the following amendment:

On page 2, following section one, add two new sections to read as follows:

"Sec. 2. Section 4, chapter 45, Laws of 1925 and RCW 2.52.040 are each amended to read as follows:

((~~(A)~~) ~~One meeting of the council shall be held ((at the seat of government on the second Monday of September of))~~ each year. Other regular meetings may be provided for by rule. A special meeting may be held anywhere in the state at any time upon call by the chairman or five other members of the council and upon notice given to each member in time to enable him to attend.

Sec. 3. Section 5, chapter 45, Laws of 1925 and RCW 2.52.050 are each amended to read as follows:

It shall be the duty of the council:

(1) Continuously to survey and study the operation of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;

(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;

(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;

(4) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

(5) To report biennially to the governor and the legislature (~~((on the condition of business in the courts))~~) with the council's recommendations as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

(6) To assist the judges in giving effect to Art. 4 § 25 of the state Constitution."

On motion of Senator Marsh, the following amendment to the amendment by Senator Francis was adopted:

Amend the Francis amendment, adding new sections 2 and 3, as follows:

On the fourth line of section 2, after "held" insert "within the state"

Senator Marsh moved adoption of the following amendment to the amendment by Senator Francis:

On line 7 of section 2, after "rule" insert "within the state"

Debate ensued.

The motion by Senator Marsh failed and the amendment was not adopted on a rising vote.

### POINT OF INQUIRY

Senator Wilson: "Would Senator Francis yield to a question? Senator, your committee amendments have been adding, I think, a fair number of members to the council, although I am not sure what the total is now. In the amendment currently before us, it states that the chairman can call a special meeting which I think is perfectly appropriate, or five other members of the council could call a meeting, and my question is whether the total membership of the council, with your changes, is now reaching a level where a call of a special meeting by five other members is too small a part of the council to have that authority."

Senator Francis: "Senator Wilson, your question is well taken. So far there has been sufficient communication within the judicial council that the members themselves have been able to assure that the notice has been adequate, and I think for purposes of what the statutory authority is, I still think five members would be sufficient because again, we have the requirement that the notice itself is adequate to enable them to attend. They are very rarely called. There is also an executive committee which is convened by the chief justice which can take action on certain matters without having to have the full council there. So, I think that the number of five is adequate for that purpose."

#### POINT OF INQUIRY

Senator Grant: "Would Senator Francis yield to an additional question? Senator Francis, I see in the amendment here that the report biennially on the condition of business in the courts is being eliminated, and so it appears to me that some of the responsibilities of the judicial council are being eroded by the administrator for the courts, and I am just wondering can you tell me what the general fund appropriation is for the judicial council and/or the administrator of the courts, and particularly with regard to the judicial council. Now, what are the funds spent for and was there any consideration given to elimination of the council rather than adding on to it?"

Senator Francis: "Senator Grant, I don't know the answer to any of your questions or any portion of the overall question."

Senator Grant: "All right, Senator Francis, then I am concerned with an expansion of the judicial council whose appropriation I believe now is in the neighborhood of one hundred and seventy-five thousand dollars, when we have established an administrator of the courts who has some of the same responsibilities, admitted by the amendment that reports on the condition of business in the courts is one of the responsibilities of the administrator of the courts, and that seems to me to be a pretty good sizeable piece of money to just add to additional persons on this council. Now, perhaps I am just speaking against, not against the amendment, but against the whole concept of the judicial council.

"Senator Marsh offered an amendment that he felt was fiscally conservative. I would suggest to you that we might be even more conservative than that by reviewing the necessity for the judicial council itself, and I mean that in all seriousness. I think that it is questionable as to the value received for the appropriation rendered, and I would hope that in the future, the judiciary committee or another committee, perhaps the ways and means committee, might offer us some suggestions as to the value of the judicial council."

Senator Francis: "Well, Senator Grant, I think I can certainly answer that part of your question because you have gotten to the part that I know a little bit about, and I would be delighted to show you some of the judicial council reports, and Senator Grant, I would be glad to even show you some of the working papers of some of the committees of the judicial council, which are many and which are hard working. You will find that the judicial council, and of course their work is outlined in the present RCW. All we are doing is striking the part where there was an overlap, and that is the only part where there is an overlap, and if you read all of the language that is not stricken here, you see the major work of the judicial council. There are not only members here who are now on, but there are members here who have been on the judicial council and know some of the effort that goes into it, and it is one of the few public agencies that actually listens to individual members of the public.

"Whenever any practicing attorney, judge, law school student, private citizen or whatever writes a letter to the judicial council and asks them to look into changing a rule or regulation, a statute, making a recommendation to the legislature, or anything else, they always give it careful consideration. They dig into the problem. They



research it. They decide whether or not they need to set up a committee to work it and so forth.

"I think it is one of the most effective bodies that we have, and I have been very impressed with their work, and this is why I just think we need to change the structure of it a little bit."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, just a few additional remarks. The judicial council, I believe, is the only existing forum where all of the various agencies engaged in law enforcement can get together and exchange ideas as to how to improve the judicial system. You have, not only members of the judiciary at every level, you have the prosecuting attorneys. You have the bar association, you have the county clerks. You have in substance everyone that has to do with the judicial process so that in considering complaints of the public or other suggestions, you get a broad cross section and I don't know where else you would really get that."

Senator Pullen moved adoption of the following amendment to the amendment by Senator Francis:

After "correcting" on line 3 of subsection (3), insert "excessive judicial leniency and other"

Debate ensued.

President Pro Tempore Henry assumed the Chair.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, in your questionnaire, did you also have the question of where we should locate mini-prisons in your district?"

Senator Pullen: "I am glad you asked that question. I did have a question as to whether my constituents favored the concept of mini-prisons or whether they favored the concept of more remote prisons, and eighty-three percent said they favored the concept of more remote, larger facilities rather than community mini-prisons."

Senator Bottiger: "I have been having the same trouble with an oil port."

The motion by Senator Pullen failed and the amendment to the amendment by Senator Francis was not adopted.

The motion by Senator Francis carried and the amendment, as amended, was adopted.

On motion of Senator Francis, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "council;" strike "and" and on line 3, after "2.52.010" insert "; amending section 4, chapter 45, Laws of 1925 and RCW 2.52-.040; and amending section 5, chapter 45, Laws of 1925 and RCW 2.52.050"

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 3004 was advanced to third reading, the second 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. 3004, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen,

Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senators Grant, Odegaard—2.

Excused: Senator Cunningham—1.

ENGROSSED SENATE BILL NO. 3004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator North was excused.

#### SECOND READING

SENATE BILL NO. 3009, by Senator Peterson:

Authorizing parks and recreation districts to issue interest bearing warrants.

#### REPORT OF STANDING COMMITTEE

April 6, 1977.

SENATE BILL NO. 3009, authorizing parks and recreation districts to issue interest bearing warrants (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26, after "authorized" strike "by such voters"

On page 1, line 26, after "voted" and before the period, insert "by such voters"

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments were adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3009 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 Peterson yield? Senator Peterson, this looks like something that could be used by other park and recreation districts in the state who are rather handcuffed at the present time because they have no taxing authority other than issuing a bond referendum out to the voters. What could these warrants be used for? Could they be used for secretarial purposes, typewriters, anything in the way of offices so that the current park and recreation districts who are really non-operative because they don't have these facilities at the current time, could these expenses be used, or raised, out of these warrants?"

Senator Peterson: "Senator Woody, I don't think it would change anything that they cannot now already do. The new language addresses itself simply to the single issue, and I don't see where this would broaden any existing authority in that respect, although I am not familiar with the statutes on the total matter, but the new language certainly doesn't address itself to your question."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3009, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Cunningham, North—2.

ENGROSSED SENATE BILL NO. 3009, having received the constitutional 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 2:40 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, April 27, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, April 27, 1977.

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, Cunningham, Donohue, Fleming, Francis, Peterson and Pullen. On motion of Senator Jones, Senators Cunningham and Pullen were excused. On motion of Senator Odegaard, Senators Bottiger, Donohue, Fleming and Francis were excused.

The Color Guard, consisting of Pages Angela Bogdanovich and Stephen Grant, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, YOU HAVE SAID THOU SHALT HAVE NO OTHER GODS BEFORE ME. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO MAKE YOU THE ONLY GOD IN THEIR LIVES. ALMIGHTY GOD, YOU HAVE SAID 'THOU SHALT NOT TAKE THE NAME OF THE LORD, THY GOD, IN VAIN.' GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO BE SINCERE WHEN THEY PRAY OR USE YOUR NAME. ALMIGHTY GOD, YOU HAVE SAID REMEMBER THE SABBATH DAY, TO KEEP IT HOLY. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO FIND TIME AND PLACE TO WORSHIP YOU. ALMIGHTY GOD, YOU HAVE SAID HONOR THY FATHER AND THY MOTHER. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO REMEMBER THAT THEY, TOO, MUST OBEY. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT NOT KILL. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO HAVE HONEST RESPECT FOR ALL HUMAN LIFE. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT NOT COMMIT ADULTERY. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT ESCAPE TEMPTATIONS TO MISUSE THEIR BODIES. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT NOT STEAL. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO HELP ALL PEOPLE TO IMPROVE AND PROTECT WHAT YOU HAVE GIVEN. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOR. GOD, HELP SENATORS AND ALL LEADERS OF GOVERNMENT TO SPEAK ONLY THE TRUTH IN LOVE. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT NOT COVET. GOD, HELP SENATORS AND ALL LEADERS IN GOVERNMENT TO WANT WHAT IS PURE AND RIGHT. ALMIGHTY GOD, YOU HAVE SAID THOU SHALT LOVE THE LORD, THY GOD. THOU SHALT LOVE THY NEIGHBOR AS THYSELF. GOD, HELP SENATORS, AND ALL LEADERS IN GOVERNMENT, AND ME, TO LIVE FOR YOU IN THE FORGIVING LOVE OF CHRIST. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

April 27, 1977.

SENATE BILL NO. 2480, revising the law on unemployment compensation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2480 be substituted therefor and that the substitute bill do pass as recommended by the Committee on Labor.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Walgren, Woody.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, charging tuition and fees at state institutions of higher education based on portion of educational costs incurred (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED HOUSE BILL NO. 389, regulating traffic control devices used when constructing or repairing railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 395, revising the procedures for processing claims against the state (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Grant, Jones, Marsh, Morrison, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED HOUSE BILL NO. 438, changing notice requirements for property appraisals made between December 1 and February 15 (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Jones, Marsh, Morrison, Ridder, Scott, Walgren, Washington.

Passed to Committee on Rules for second reading.

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 619, modifying investment authority of the state finance committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 620, clarifying investment authority of the state finance committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 662, regulating the granting of remunerated professional leaves (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 26, 1977.

HOUSE BILL NO. 921, providing that fork lifts shall be exceptions to certain requirements for motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, April 25, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on April 25, 1977, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 3019: Making an appropriation to the superintendent of public instruction for disbursement to certain school districts.

Sincerely,

JOE ZASPEL

Legislative Assistant.

#### GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 26, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:

Rev. Samuel B. McKinney, appointed March 28, 1977, for a term ending July 1, 1981, succeeding himself as a member of the Commission on Vocational Education.

Sincerely,

DIXY LEE RAY

Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 26, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:

Ian MacGowan, appointed April 4, 1977, for a term ending April 3, 1981, succeeding Andrew Young as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 26, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:

Sterling Munro, appointed March 28, 1977, for a term ending March 14, 1983, succeeding Paul E. Schaake as a member of the Board of Trustees, Central Washington State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

April 26, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2097,  
ENGROSSED SENATE BILL NO. 2258,  
SUBSTITUTE SENATE BILL NO. 2431,

ENGROSSED SENATE BILL NO. 2478, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 26, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 26, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 98, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2097,  
 SENATE BILL NO. 2258,  
 SUBSTITUTE SENATE BILL NO. 2431,  
 SENATE BILL NO. 2478.

MESSAGE FROM THE HOUSE

April 20, 1977.

Mr. President: The House has passed SUBSTITUTE BILL NO. 2082, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. This act may be known and cited as the "Regulatory Reform Act of 1977".

NEW SECTION. Sec. 2. The state legislature finds that state agencies may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations, and that the entire process has evolved without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state agencies, coupled with a system of scheduled review of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future state agencies.

NEW SECTION. Sec. 3. As used in this act the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this act.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.

(4) "State agency" includes every state office, officer, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION. Sec. 4. Any state agency scheduled for termination by the processes provided in this act may be reestablished by the legislature for a period of time specified by law, but not to exceed six years. At the end of such period of time the legislature shall again review such state agency in a manner consistent with the provisions of this act and reestablish, modify, or consolidate such state agency or allow it to be terminated.

NEW SECTION. Sec. 5. The legislative budget committee shall cause to be conducted a program and fiscal review of each state agency scheduled for termination by the processes provided in this act. Such program and fiscal review shall be completed and a report prepared on or before September 30 of the year prior to the date established for termination. Upon completion of its report, the legislative budget committee shall transmit copies of the report as well as related studies and documents to all members of the legislature, to the state agency concerned, to the governor, and to the state library.

NEW SECTION. Sec. 6. In conducting the review of a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:



(1) The extent to which the regulatory entity has permitted qualified applicants to serve the public;

(2) The extent to which the regulatory entity restricts or inhibits competition or otherwise adversely affects the state's economic climate;

(3) The extent to which the system of regulation has contributed directly or indirectly to increasing or decreasing the costs of any goods or services involved;

(4) The duties of the regulatory entity and the costs incurred in carrying out such duties;

(5) Whether the regulatory entity has operated in the public interest, including the extent to which the regulatory entity has:

(a) Sought and achieved public participation in making its rules and decisions including consideration of recommending appointment of one or more "public" members to the entity;

(b) Processed to completion in a timely and equitable manner the formal complaints filed with it;

(c) Implemented an effective system of evaluating the impact on the public of its rules and decisions regarding economy, availability and improvement of the services rendered to the persons it regulates;

(d) Initiated administrative procedures or recommended statutory changes to the legislature that would benefit the public as opposed to the persons it regulates; and

(e) Identified the needs and problems of the recipients of goods and services provided by those regulated;

(6) The extent to which persons regulated by the regulatory entity have been encouraged to participate in assessing problems in their profession, occupation, or industry which affect the public;

(7) The impact and effectiveness of the regulatory entity with respect to the problems or needs the entity was intended to address;

(8) The consequences of eliminating or modifying the program of the regulatory entity;

(9) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and

(10) The extent to which the absence or modification of regulation would adversely affect the public health, safety, or welfare.

NEW SECTION. Sec. 7. In conducting the review of a state agency other than a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the state agency has complied with legislative intent;

(2) The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(4) The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and

(5) The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare.

NEW SECTION. Sec. 8. (1) Following receipt of the report of the legislative budget committee, the appropriate committees of reference in the senate and the house of representatives shall jointly hold a public hearing to consider the legislative budget committee report and any related data. The committees shall also receive testimony from representatives of the state agency involved, which shall have the burden of demonstrating a public need for its continued existence; and from the

governor or the governor's designee, and other interested parties, including the general public.

(2) When requested jointly by the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of the joint hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.04.025(1)(a), as now existing or hereafter amended, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in the joint hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following the joint hearing by the committees of reference, such committees may separately hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.

**NEW SECTION.** Sec. 9. If terminated, a state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: **PROVIDED,** That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the personnel board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) All rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

**NEW SECTION.** Sec. 10. This act shall not affect the right to institute or prosecute any cause of action by or against a state agency terminated pursuant to this act if the cause of action arose prior to the end of the period provided in section 9 of this act. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing

or other proceeding pending before a state agency to be terminated and not completed before the end of the period provided in section 9 of this act, may be completed by the agency assuming the responsibilities of the terminated state agency.

**NEW SECTION.** Sec. 11. Any reference in this act to a committee of the legislature including the legislative budget committee shall also refer to the successor of that committee.

**NEW SECTION.** Sec. 12. (1) The speaker of the house of representatives and the president of the senate shall appoint a select joint committee consisting of ten members of the legislature within thirty days of the effective date of this act. The speaker shall appoint three members of the majority party and two members of the minority party. The president shall appoint three members of the majority party and two members of the minority party. The committee shall be responsible for the development of legislation which provides a schedule for the termination of state agencies in a manner consistent with the terms of this act. The termination of such state agencies shall occur over a period of six years, beginning on June 30, 1979. In the development of such legislation, the select joint committee shall:

(a) Identify state agencies which might appropriately be scheduled for termination;

(b) Arrange for automatic termination of state agencies with a reasonable number of state agencies to be terminated on June 30, 1979, a reasonable number of state agencies to be terminated on June 30, 1981, and a reasonable number of state agencies to be terminated on June 30, 1983;

(c) Seek to schedule state agencies with like goals, objectives, or functions for termination on the same date so as to better assure identification of duplicative activities and provide for appropriate modification or consolidation of state agencies to avoid future duplication; and

(d) Seek to schedule state agencies for termination in a manner which assures that as many committees of reference as possible have sufficient opportunity to develop experience in conducting reviews as provided pursuant to the terms of this act, and which assures that no such committee is given responsibility for review of an unreasonable number of state agencies during any legislative session.

(2) In identifying those state agencies to be scheduled for termination, the select joint committee shall consider, but not be limited to, the following factors where applicable:

(a) The extent to which the burden of compliance on the executive and legislative branches with the terms of the act is reasonable;

(b) The extent to which a state agency may serve the interests of a particular profession, occupation, or industry as opposed to the interests of the public;

(c) The extent to which a state agency may have outlived its original statutory purpose; and

(d) The potential for fiscal savings.

(3) The select joint committee shall also be responsible for assisting in the implementation of the terms and provisions of this act and shall establish proposed procedures which facilitate legislative review as required by this act for presentation to the legislature. Such committee shall recommend legislative rules which assure effective and appropriate consideration of all bills and reports regarding termination, modification, consolidation, or reauthorization of state agencies scheduled for termination.

(4) Proposed legislation, recommendations, and findings shall be submitted to the legislature as soon as is practicable, but no later than the first day the legislature is in session after January 1, 1978.

**NEW SECTION.** Sec. 13. Nothing in this act shall prevent the legislature from abolishing or modifying a state agency scheduled for termination prior to the

agency's established termination date or from abolishing or modifying any other state agency.

**NEW SECTION.** Sec. 14. (1) The following programs shall be terminated on June 30, 1978:

- (a) Debt adjusting (chapter 18.28 RCW);
- (b) Midwifery (chapter 18.50 RCW);
- (c) Proprietary schools (chapter 18.82 RCW);
- (d) Grist mills (chapter 19.44 RCW); and
- (e) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Forest fire advisory board;
- (d) Escrow commission;
- (e) Employment agency advisory board; and
- (f) Charitable solicitations (chapter 19.09 RCW).

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this act. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in section 12 of this act. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of section 12 of this act. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in section 12 of this act shall be null.

**NEW SECTION.** Sec. 15. Except for sections 14, 16, and 17 of this act, this act shall expire on June 30, 1983, unless extended by law for an additional fixed period of time.

**NEW SECTION.** Sec. 16. The following acts or parts of acts are each repealed, effective June 30, 1979:

- (1) Section 1, chapter 201, Laws of 1967, section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010;
- (2) Section 2, chapter 201, Laws of 1967 and RCW 18.28.020;
- (3) Section 3, chapter 201, Laws of 1967, section 6, chapter 266, Laws of 1971 ex. sess., section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030;
- (4) Section 4, chapter 201, Laws of 1967 and RCW 18.28.040;
- (5) Section 5, chapter 201, Laws of 1967 and RCW 18.28.050;
- (6) Section 6, chapter 201, Laws of 1967, section 1, chapter 141, Laws of 1967 ex. sess., section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060;
- (7) Section 7, chapter 201, Laws of 1967 and RCW 18.28.070;
- (8) Section 8, chapter 201, Laws of 1967, section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080;
- (9) Section 9, chapter 201, Laws of 1967 and RCW 18.28.090;
- (10) Section 10, chapter 201, Laws of 1967 and RCW 18.28.100;
- (11) Section 11, chapter 201, Laws of 1967 and RCW 18.28.110;
- (12) Section 12, chapter 201, Laws of 1967 and RCW 18.28.120;
- (13) Section 13, chapter 201, Laws of 1967 and RCW 18.28.130;
- (14) Section 14, chapter 201, Laws of 1967 and RCW 18.28.140;
- (15) Section 15, chapter 201, Laws of 1967 and RCW 18.28.150;
- (16) Section 16, chapter 201, Laws of 1967 and RCW 18.28.160;
- (17) Section 17, chapter 201, Laws of 1967 and RCW 18.28.170;
- (18) Section 18, chapter 201, Laws of 1967 and RCW 18.28.180;
- (19) Section 19, chapter 201, Laws of 1967 and RCW 18.28.190;

- (20) Section 20, chapter 201, Laws of 1967 and RCW 18.28.200;
- (21) Section 21, chapter 201, Laws of 1967 and RCW 18.28.210;
- (22) Section 22, chapter 201, Laws of 1967 and RCW 18.28.220;
- (23) Section 23, chapter 201, Laws of 1967 and RCW 18.28.900;
- (24) Section 24, chapter 201, Laws of 1967 and RCW 18.28.910;
- (25) Section 8, chapter 160, Laws of 1917 and RCW 18.50.010;
- (26) Section 1, chapter 160, Laws of 1917 and RCW 18.50.020;
- (27) Section 12, chapter 160, Laws of 1917 and RCW 18.50.030;
- (28) Section 2, chapter 160, Laws of 1917 and RCW 18.50.040;
- (29) Section 3, chapter 160, Laws of 1917, section 51, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.50.050;
- (30) Section 4, chapter 160, Laws of 1917 and RCW 18.50.060;
- (31) Section 5, chapter 160, Laws of 1917 and RCW 18.50.070;
- (32) Section 6, chapter 160, Laws of 1917 and RCW 18.50.080;
- (33) Section 7, chapter 160, Laws of 1917 and RCW 18.50.100;
- (34) Section 9, chapter 160, Laws of 1917 and RCW 18.50.120;
- (35) Section 11, chapter 160, Laws of 1917 and RCW 18.50.130;
- (36) Section 10, chapter 160, Laws of 1917 and RCW 18.50.900;
- (37) Section 1, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010;
- (38) Section 2, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.020;
- (39) Section 3, chapter 72, Laws of 1967 ex. sess., section 70, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.030;
- (40) Section 4, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.040;
- (41) Section 5, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.050;
- (42) Section 6, chapter 72, Laws of 1967 ex. sess., section 71, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.060;
- (43) Section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070;
- (44) Section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080;
- (45) Section 9, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.090;
- (46) Section 11, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.900;
- (47) Section 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.910;
- (48) Section 12, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.920;
- (49) Section 2533, Code of 1881 and RCW 19.44.010;
- (50) Section 2536, Code of 1881 and RCW 19.44.020;
- (51) Section 2534, Code of 1881 and RCW 19.44.030;
- (52) Section 2532, Code of 1881 and RCW 19.44.040;
- (53) Section 2535, Code of 1881 and RCW 19.44.050;
- (54) Section 1, chapter 200, Laws of 1907 and RCW 88.04.010;
- (55) Section 27, chapter 200, Laws of 1907, section 1, chapter 137, Laws of 1947, section 177, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.04.020;
- (56) Section 28, chapter 200, Laws of 1907 and RCW 88.04.030;
- (57) Section 2, chapter 200, Laws of 1907 and RCW 88.04.040;
- (58) Section 3, chapter 200, Laws of 1907 and RCW 88.04.050;
- (59) Section 4, chapter 200, Laws of 1907 and RCW 88.04.060;
- (60) Section 26, chapter 200, Laws of 1907 and RCW 88.04.070;
- (61) Section 14, chapter 200, Laws of 1907 and RCW 88.04.080;
- (62) Section 8, chapter 200, Laws of 1907 and RCW 88.04.090;
- (63) Section 9, chapter 200, Laws of 1907 and RCW 88.04.100;
- (64) Section 5, chapter 200, Laws of 1907 and RCW 88.04.110;
- (65) Section 6, chapter 200, Laws of 1907 and RCW 88.04.120;
- (66) Section 7, chapter 200, Laws of 1907 and RCW 88.04.130;
- (67) Section 10, chapter 200, Laws of 1907 and RCW 88.04.140;
- (68) Section 13, chapter 200, Laws of 1907 and RCW 88.04.150;
- (69) Section 19, chapter 200, Laws of 1907 and RCW 88.04.160;

- (70) Section 20, chapter 200, Laws of 1907 and RCW 88.04.170;
- (71) Section 15, chapter 200, Laws of 1907 and RCW 88.04.180;
- (72) Section 11, chapter 200, Laws of 1907 and RCW 88.04.190;
- (73) Section 17, chapter 200, Laws of 1907 and RCW 88.04.200;
- (74) Section 18, chapter 200, Laws of 1907 and RCW 88.04.210;
- (75) Section 12, chapter 200, Laws of 1907 and RCW 88.04.220;
- (76) Section 16, chapter 200, Laws of 1907 and RCW 88.04.230;
- (77) Section 21, chapter 200, Laws of 1907 and RCW 88.04.240;
- (78) Section 22, chapter 200, Laws of 1907 and RCW 88.04.250;
- (79) Section 23, chapter 200, Laws of 1907 and RCW 88.04.260;
- (80) Section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and
- (81) Section 25, chapter 200, Laws of 1907 and RCW 88.04.280.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed, effective June 30, 1980:

- (1) Section 1, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.010;
- (2) Section 2, chapter 13, Laws of 1973 1st ex. sess., section 1, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.020;
- (3) Section 3, chapter 13, Laws of 1973 1st ex. sess., section 2, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.030;
- (4) Section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040;
- (5) Section 5, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.050;
- (6) Section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060;
- (7) Section 7, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.070;
- (8) Section 8, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.080;
- (9) Section 9, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.090;
- (10) Section 10, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.100;
- (11) Section 11, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.110;
- (12) Section 12, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.120;
- (13) Section 13, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.130;
- (14) Section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140;
- (15) Section 15, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150;
- (16) Section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160;
- (17) Section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170;
- (18) Section 18, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.180;
- (19) Section 19, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.190;
- (20) Section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200;
- (21) Section 21, chapter 13, Laws of 1973 1st ex. sess., section 1, chapter 219, Laws of 1975 1st ex. sess. and RCW 19.09.210;
- (22) Section 22, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.220;
- (23) Section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230;
- (24) Section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240;
- (25) Section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250;
- (26) Section 26, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.260;
- (27) Section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270;
- (28) Section 28, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.280;
- (29) Section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290;
- (30) Section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300;
- (31) Section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310;
- (32) Section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320;
- (33) Section 33, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.330;
- (34) Section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340;

(35) Section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350;

(36) Section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360;

(37) Section 1, chapter 66, Laws of 1973 1st ex. sess. and RCW 19.09.370;

(38) Section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900;  
and

(39) Section 38, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.910.

NEW SECTION. Sec. 18. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "sections;" strike the remainder of the title and insert "repealing section 1, chapter 201, Laws of 1967, section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010; repealing section 2, chapter 201, Laws of 1967 and RCW 18.28.020; repealing section 3, chapter 201, Laws of 1967, section 6, chapter 266, Laws of 1971 ex. sess., section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030; repealing section 4, chapter 201, Laws of 1967 and RCW 18.28.040; repealing section 5, chapter 201, Laws of 1967 and RCW 18.28.050; repealing section 6, chapter 201, Laws of 1967, section 1, chapter 141, Laws of 1967 ex. sess., section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060; repealing section 7, chapter 201, Laws of 1967 and RCW 18.28.070; repealing section 8, chapter 201, Laws of 1967, section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080; repealing section 9, chapter 201, Laws of 1967 and RCW 18.28.090; repealing section 10, chapter 201, Laws of 1967 and RCW 18.28.100; repealing section 11, chapter 201, Laws of 1967 and RCW 18.28.110; repealing section 12, chapter 201, Laws of 1967 and RCW 18.28.120; repealing section 13, chapter 201, Laws of 1967 and RCW 18.28.130; repealing section 14, chapter 201, Laws of 1967 and RCW 18.28.140; repealing section 15, chapter 201, Laws of 1967 and RCW 18.28.150; repealing section 16, chapter 201, Laws of 1967 and RCW 18.28.160; repealing section 17, chapter 201, Laws of 1967 and RCW 18.28.170; repealing section 18, chapter 201, Laws of 1967 and RCW 18.28.180; repealing section 19, chapter 201, Laws of 1967 and RCW 18.28.190; repealing section 20, chapter 201, Laws of 1967 and RCW 18.28.200; repealing section 21, chapter 201, Laws of 1967 and RCW 18.28.210; repealing section 22, chapter 201, Laws of 1967 and RCW 18.28.220; repealing section 23, chapter 201, Laws of 1967 and RCW 18.28.900; repealing section 24, chapter 201, Laws of 1967 and RCW 18.28.910; repealing section 8, chapter 160, Laws of 1917 and RCW 18.50.010; repealing section 1, chapter 160, Laws of 1917 and RCW 18.50.020; repealing section 12, chapter 160, Laws of 1917 and RCW 18.50.030; repealing section 2, chapter 160, Laws of 1917 and RCW 18.50.040; repealing section 3, chapter 160, Laws of 1917, section 51, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.50.050; repealing section 4, chapter 160, Laws of 1917 and RCW 18.50.060; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; repealing section 7, chapter 160, Laws of 1917 and RCW 18.50.100; repealing section 9, chapter 160, Laws of 1917 and RCW 18.50.120; repealing section 11, chapter 160, Laws of 1917 and RCW 18.50.130; repealing section 10, chapter 160, Laws of 1917 and RCW 18.50.900; repealing section 1, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010; repealing section 2, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.020; repealing section 3, chapter 72, Laws of 1967 ex. sess., section 70, chapter 30, Laws of 1975 1st ex. sess. and RCW

18.82.030; repealing section 4, chapter 72, Laws of 1967 ex. sess. and RCW 18.82-.040; repealing section 5, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.050; repealing section 6, chapter 72, Laws of 1967 ex. sess., section 71, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.060; repealing section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070; repealing section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080; repealing section 9, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.090; repealing section 11, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.900; repealing section 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.910; repealing section 12, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.920; repealing section 2533, Code of 1881 and RCW 19.44.010; repealing section 2536, Code of 1881 and RCW 19.44.020; repealing section 2534, Code of 1881 and RCW 19.44.030; repealing section 2532, Code of 1881 and RCW 19.44-.040; repealing section 2535, Code of 1881 and RCW 19.44.050; repealing section 1, chapter 200, Laws of 1907 and RCW 88.04.010; repealing section 27, chapter 200, Laws of 1907, section 1, chapter 137, Laws of 1947, section 177, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.04.020; repealing section 28, chapter 200, Laws of 1907 and RCW 88.04.030; repealing section 2, chapter 200, Laws of 1907 and RCW 88.04.040; repealing section 3, chapter 200, Laws of 1907 and RCW 88.04.050; repealing section 4, chapter 200, Laws of 1907 and RCW 88.04.060; repealing section 26, chapter 200, Laws of 1907 and RCW 88.04.070; repealing section 14, chapter 200, Laws of 1907 and RCW 88.04.080; repealing section 8, chapter 200, Laws of 1907 and RCW 88.04.090; repealing section 9, chapter 200, Laws of 1907 and RCW 88.04.100; repealing section 5, chapter 200, Laws of 1907 and RCW 88.04.110; repealing section 6, chapter 200, Laws of 1907 and RCW 88.04.120; repealing section 7, chapter 200, Laws of 1907 and RCW 88.04.130; repealing section 10, chapter 200, Laws of 1907 and RCW 88.04.140; repealing section 13, chapter 200, Laws of 1907 and RCW 88.04.150; repealing section 19, chapter 200, Laws of 1907 and RCW 88.04.160; repealing section 20, chapter 200, Laws of 1907 and RCW 88.04.170; repealing section 15, chapter 200, Laws of 1907 and RCW 88.04.180; repealing section 11, chapter 200, Laws of 1907 and RCW 88.04.190; repealing section 17, chapter 200, Laws of 1907 and RCW 88.04.200; repealing section 18, chapter 200, Laws of 1907 and RCW 88.04.210; repealing section 12, chapter 200, Laws of 1907 and RCW 88.04.220; repealing section 16, chapter 200, Laws of 1907 and RCW 88.04.230; repealing section 21, chapter 200, Laws of 1907 and RCW 88.04.240; repealing section 22, chapter 200, Laws of 1907 and RCW 88.04.250; repealing section 23, chapter 200, Laws of 1907 and RCW 88.04.260; repealing section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and repealing section 25, chapter 200, Laws of 1907 and RCW 88.04.280; repealing section 1, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.010; repealing section 2, chapter 13, Laws of 1973 1st ex. sess., section 1, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.020; repealing section 3, chapter 13, Laws of 1973 1st ex. sess., section 2, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.030; repealing section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040; repealing section 5, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.050; repealing section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060; repealing section 7, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.070; repealing section 8, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.080; repealing section 9, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.090; repealing section 10, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.100; repealing section 11, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.110; repealing section 12, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.120; repealing section 13, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.130; repealing section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140; repealing section 15,



chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150; repealing section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160; repealing section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170; repealing section 18, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.180; repealing section 19, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.190; repealing section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200; repealing section 21, chapter 13, Laws of 1973 1st ex. sess., section 1, chapter 219, Laws of 1975 1st ex. sess. and RCW 19.09.210; repealing section 22, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.220; repealing section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230; repealing section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240; repealing section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250; repealing section 26, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.260; repealing section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270; repealing section 28, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.280; repealing section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290; repealing section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300; repealing section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310; repealing section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320; repealing section 33, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.330; repealing section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340; repealing section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350; repealing section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360; repealing section 1, chapter 66, Laws of 1973 1st ex. sess. and RCW 19.09.370; repealing section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900; repealing section 38, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.910; declaring an emergency; providing effective dates; and providing an expiration date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Wilson moved the Senate do concur in the House amendments to Substitute Senate Bill No. 2082.

MOTION

On motion of Senator Day, further consideration of the House Message on Substitute Senate Bill No. 2082 and the motion by Senator Wilson that the Senate do concur in the House amendments was ordered held under the proper order of business for April 28, 1977.

MESSAGE FROM THE HOUSE

April 23, 1977.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3047, and again asks the Senate to concur in the House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3047, and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3047 and the House amendments thereto: Senators Washington, Morrison and Donohue.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 26, 1977.

Mr. President: The House has passed SENATE BILL NO. 2029, with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. The American revolution bicentennial commission of the state of Washington having achieved the purposes and requirements of chapter 43.125 RCW is hereby abolished.

NEW SECTION. Sec. 2. The Washington state historical society shall be the successor agency to the American revolution bicentennial commission for the following purposes:

(1) To oversee and carry forward any unfinished projects as directed by the commission prior to abolition;

(2) To make any and all reports on operations and expenditures of the commission as required by federal and state agencies; and

(3) To take permanent custody of all records, equipment, publications, funds, and other property of the commission.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 76, Laws of 1972 ex. sess., section 132, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.125.010;

(2) Section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020;

(3) Section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030;

(4) Section 4, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.040;

(5) Section 5, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.050; and

(6) Section 7, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.900.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 3 of the title, after "sections;" insert "repealing section 1, chapter 76, Laws of 1972 ex. sess., section 132, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.125.010; repealing section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020; repealing section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030; repealing section 4, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.040; repealing section 5, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.050; repealing section 7, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.900;" , and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Beck, the Senate concurred in the House amendments to Senate Bill No. 2029.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2029, 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 Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Mardesich, Matson, Murray, Peterson—4.

Excused: Senators Bottiger, Cunningham, Donohue, Fleming, Francis, Pullen—6.

SENATE BILL NO. 2029, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2662.

SECOND READING

SENATE BILL NO. 2662, by Senators Rasmussen and Henry:  
Revising the membership of the veterans' affairs advisory committee.

REPORT OF STANDING COMMITTEE

February 21, 1977.

SENATE BILL NO. 2662, revising the membership of the veterans' affairs advisory committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, after "capacity to" insert "the governor and"

On page 1, line 30, after "governor" insert "and the director"

On page 2, line 3, after "changes to" insert "the governor and"

Signed by: Senators Rasmussen, Chairman; Bausch, Cunningham, Day, Henry.

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 following amendment was adopted:

On page 1, line 10, after "~~(nine)~~" strike "seven" and insert "eleven"

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 11, after "consist of" strike all the material down through "veteran;" on line 12 and insert "two veterans at large, one of whom shall be a Viet Nam era veteran ((:)) ; ((and)) one representative of the Washington soldiers' home and colony at Orting, one representative of the Washington veterans' home at Retsil;"

Debate ensued.

There being no objection, on motion of Senator Rasmussen the amendment to page 1, line 11, was temporarily withdrawn.

Senator Gould moved adoption of the following amendment:

On page 1, line 22, after "years" insert ": PROVIDED, That the Retsil and Orting appointees, provided for in this 1977 amendatory act shall, for the original term, hold office for three years and four years respectively"

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Rasmussen yield? Senator Rasmussen, what is the rationale behind doing away with all the board members that are now serving? Why get rid of all of those? Is this what you are doing?"

Senator Rasmussen: "That was the next amendment that was going to be offered, Senator Guess. 'Immediately after the effective date of this 1977 amendatory act, all positions on the committee shall become vacant and the Governor shall appoint four members to serve two years,' that is not in relation to this amendment."

Senator Guess: "I know, Senator, but it has something to do with whether or not this amendment is adopted. If Senator Gould's amendment is adopted, and your second amendment was not adopted, then Senator Gould's amendment would be in order, would it not?"

Senator Rasmussen: "If the second amendment were not adopted, yes."

Senator Guess: "Well, I think that the thing ought to be argued on the basis that the second amendment has not been adopted, and that the amendment before us is a proper amendment."

Senator Rasmussen: "There is nothing wrong with the amendment that is offered, yes, except the second amendment would leave it up to the Governor to choose whomever she would want to be for the longer term. It is merely a process of rotation. That is why I am urging that the Gould amendment not be adopted, and that the other amendment would be adopted."

#### PARLIAMENTARY INQUIRY

Senator Woody: "Mr. President, point of parliamentary inquiry. If we adopt the Gould amendment, and do not adopt any of the remaining two amendments going to be proposed by Senator Rasmussen, and yet we pass Senate Bill 2662 with the Gould amendment on it, we wouldn't have anybody from Retsil or Orting on the board, would we?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Woody, the President believes that your remarks are correct."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, I would suggest then that Senator Rasmussen's second amendment ought to be in order at this point, and then Senator Gould's amendment would be then in order."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes you are absolutely correct, Senator Woody."

There being no objection, on motion of Senator Gould, the amendment to page 1, line 22, was temporarily withdrawn.

On motion of Senator Rasmussen, the following amendment was adopted:

On page 1, line 11, after "consist of" strike all the material down through "veteran;" on line 12 and insert "two veterans at large, one of whom shall be a Viet Nam era veteran ((:)) ; ((and)) one representative of the Washington soldiers' home and colony at Orting, one representative of the Washington veterans' home at Retsil;"

On motion of Senator Gould, the following amendment was adopted:

On page 1, line 22, after "years" insert ": PROVIDED, That the Retsil and Orting appointees, provided for in this 1977 amendatory act shall, for the original term, hold office for three years and four years respectively"

Senator Rasmussen moved adoption of the following amendment:

On page 1, beginning on line 19, after "organizations." strike all the matter down through "terms" on line 23 and insert: "((The first members of the committee shall hold office as follows: Three members to serve two years, three members to serve three years, and three members to serve four years. Upon expiration of said original terms)) Immediately after the effective date of this 1977 amendatory act, all positions on the committee shall become vacant, and the governor shall appoint four members to serve two years, four members to serve three years, and three members to serve four years"

Debate ensued.

### POINT OF INQUIRY

Senator Guess: "Would Senator Rasmussen yield? Senator Rasmussen, I was wondering why the amendment was not taken up and put on the bill during the time that it was before the committee."

Senator Rasmussen: Senator Guess, the same amendment is on a veterans' bill that is down in rules at the present time, put on by the committee. After we had this bill up for consideration—it has been down in rules for some time, the House bill came along and we revised the amendment, and this is the same amendment."

Senator Guess: "But you did not put it on 2662. Was it discussed during the committee amendment, during the committee consideration of the bill?"

Senator Rasmussen: "Not this bill. On the other bill it was, which came along about a month later, when it was brought up that we probably should have some representation from the two veterans' homes."

Senator Guess: "Was there evidence before your committee that the present members of that committee are in malfeasance at all?"

Senator Rasmussen: "I don't think, Senator Guess, that you would want to charge them with malfeasance because they had enlarged the budget, no. If that was the case we would be charging all of the House members with malfeasance, and we wouldn't want to do that."

Senator Guess: "I am not so sure about that, but let's talk about this—"

Senator Rasmussen: "Well, we wouldn't want to say it, we might think it."

Senator Guess: "The thing that bothers me is that there are some people on this commission that are good friends of mine, and I thought they had been doing a good job."

Senator Rasmussen: "Senator Guess, they will probably be reappointed if they are good friends of yours."

Senator Guess: "Well, I am not so sure about that either."

Senator Rasmussen: "But I am sure they would be doing a good job if they were friends of yours."

Further debate ensued.

### POINT OF INQUIRY

Senator Lewis: "Would Senator Rasmussen yield, please? Senator Rasmussen, would you tell us why this board should be abolished, why the present members should be dismissed, if some of them, you say some of them are likely to be reappointed anyway, why should we take this action?"

Senator Rasmussen: "With the desire to give the Governor her opportunity to appoint or reappoint those people that she thinks will do the best job for the veterans, and the only way that you could do it is in this fashion. You realize, Senator Lewis, as I do, that the veterans department is on trial. Something new, we have put it off. The reports were bad when it came out on the new budget that they were proposing, and it sort of inferred that the legislature did not know what they were doing when we split the department off. Hopefully this new advisory commission will operate in a manner that we can all be proud of."

Senator Lewis: "Well, hopefully, yes, but I don't know any of the persons who are on the committee, so I have no personal friends, no personal acquaintances with anybody who is serving, but it just seems to me this is a back-door attempt at withdrawal that you might apply the same logic to every commission and board that exists in this state, Senator, and I just don't think that is the kind of continuity that these boards and commissions should have, and I think that is what the legislature has tried in the past to have is some kind of continuity on these boards and commissions even though it is on trial, it should still have somebody there who has been there before and can help carry on the work. So I really think this is a very bad amendment."

Senator Rasmussen: "Well, we understand, Senator Lewis, that these people are picked from a number that is suggested from the various veterans' organizations so that they will be approved by the veterans' organizations and presented to the Governor for her choice."

Further debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Guess, Clarke, Jones, Benitz, North, Herr, Bausch, Hayner and Buffington.

The President declared the question to be the roll call on the amendment by Senator Rasmussen to page 1, beginning on line 19.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 19; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker, Wilson—19.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Fleming, Francis, Pullen—3.

#### STATEMENT FOR JOURNAL

April 27, 1977.

TO: Sidney R. Snyder, Secretary of the Senate

FROM: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Scott, Sellar and Wanamaker

RE: Statement for Senate Journal: Senator Rasmussen's amendment to Senate Bill No. 2662, which removes all the members of the Veterans' Affairs Advisory Committee and corresponding "no" vote on final passage.

We, the undersigned members of the Senate of the State of Washington, wish to state for the record our disapproval of the following amendment to Senate Bill No. 2662, as adopted by the Senate on April 27, 1977:

On page 1, beginning on line 19, after "organizations." strike all the matter down through "terms" on line 23 and insert:

~~"(The first members of the committee shall hold office as follows: Three members to serve two years, three members to serve three years, and three members to serve four years. Upon expiration of said original terms)~~ Immediately after the effective date of this 1977 amendatory act, all positions on the committee shall become vacant, and the governor shall appoint four members to serve two years, four members to serve three years, and three members to serve four years"

The effect of this amendment is to remove all nine of the present members of the Veterans' Affairs Advisory Committee. This committee has been in existence for approximately one year.

There has been no rational justification presented for this unprecedented statutory appointment withdrawal procedure. It can only be assumed that the motivation for this improper method of reconstituting a commission was political in nature. Not unlike the massive withdrawal of appointees by Governor Ray on January 21, 1977.

It was for this reason that the undersigned voted "nay" on final passage of this otherwise meritorious measure. We certainly agree that addition of advisory members representing Retsil and Orting is proper and we were all supportive of the amendment to accomplish this purpose.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2662 was advanced to third reading, the second 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. 2662, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Hayner, Jones, Lewis, Matson, McDermott, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker, Washington, Wilson—21.

Excused: Senators Francis, Pullen—2.

ENGROSSED SENATE BILL NO. 2662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Cherberg: "Senator Walgren, honored members of the Senate, with your consent the President has been advised by Senator James Edward Keefe of Spokane that the newly appointed chief of the Washington state patrol, the Honorable Robert Landon, is present in the Senate Chamber. Would Chief Landon please come to the portico in order that the members of the Senate may properly recognize and acknowledge you a warm welcome, and also to offer you heartiest congratulations upon your appointment. The chief is accompanied by our own Chief Bachofner."

## REMARKS BY CHIEF BACHOFNER

Chief Bachofner: "Ladies and gentlemen of the Senate and Lieutenant Governor Cherberg, it is a real privilege for me to stand here and present to you a young man who I have worked with all of his career in the Washington state patrol, and I honestly believe is going to be probably the finest chief that our department ever had. I say that very sincerely, and I would like to present to you a man who has been in the department over twenty years, the last four years at our academy, I am sure a very popular choice with the men of the department, and in taking a man from the ranks, I think all of us in this room agree that was an excellent decision.

"It is my privilege to introduce to you Bob Landon who will be the chief effective Saturday morning, and I want you to know that I am looking forward to retiring. Thanks for all of the nice things you have done for me."

## REMARKS BY CAPTAIN LANDON

Captain Landon: "Thank you, Chief. I appreciate those kind remarks, and ladies and gentlemen, it is quite an honor for me to be in the Senate of the state of Washington. I am going to look forward to being of service to all of the people of this state, and I hope to be able to fill a small portion of Will Bachofner's shoes in the next few years. Thank you very much."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and to our distinguished guest, we certainly welcome you, Chief Landon, and I know that we will continue the very close cooperation that we in the legislature have had with the state patrol, and I can say that is even true during budget time, Chief Bachofner. We are very pleased with the selection that has been made, and of course, Will, we are sorry to see you leave at this time. As you know, we have had a very, very good and close relationship personally and, of course, you have had with all members of the legislature.

"I want to extend on behalf of the state Senate our congratulations to you on your retirement, and to you, Chief, on your ascendancy to this position."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I also want to join in the remarks of Senator Walgren. I think we have all been extremely fortunate in having an organization such as the state patrol. That is one group of law enforcement personnel that, as far as I can recall, has never received any adverse publicity, and whose function has always been the admiration, not only of the people that they serve, but also other law enforcement groups throughout the state. We have been most fortunate in having the long continued service of our retiring chief, and we certainly join in hoping that the new chief will have as equal a good working relationship with us and a good stature throughout the state."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I don't know how close that relationship was that Senator Walgren had with Chief Will, there. I never had the opportunity of getting stopped by him, but it may have been a very close relationship. However, we are sorry to see Chief Will leave. We have had a good relationship with him, and I am sure that the next forty years of his next job, we hope is just as pleasant as the past forty years have been. We welcome the new chief, and I was just going to say both of those young fellows up there, you can't tell much difference between them. I



would assume that the chief is going to be—someplace he is going to be active and we wish him well as we do the new chief."

### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you, Senator Rasmussen, Senator Walgren and Senator Clarke. Chief Landon, I am sure that everyone in the state joins in congratulating you and wishes you well in your new endeavor, and we have the utmost confidence that you will continue in the finest tradition of the Washington state patrol, and to you, Chief Bachofner, the people of our state join in expressing their deepest appreciation to you for the many remarkable contributions you have made to the safety, health and welfare of our citizens, and also for the many contributions in developing the finest state patrol in the world.

"Congratulations to you, and best wishes. Thank you, Senator Keefe, for calling their presence to the attention of the members."

### MOTION

At 11:10 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

### NOON SESSION

The President called the Senate to order at 12:20 p.m.

### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 573.

On motion of Senator Sellar, Senators Cunningham and North were excused.

### SECOND READING

HOUSE BILL NO. 573, by Representatives Charette and Shinpoch:

Appropriating funds for session law publication.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 573 was advanced to third reading, the second 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. 573, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Beck, Fleming, Jones, Murray, Talley—5.

Excused: Senators Cunningham, Francis, North, Pullen—4.

HOUSE BILL NO. 573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2825, by Senator Day:

Imposing an annual license fee on vehicles using propane in accordance with vehicle tonnage.

## REPORT OF STANDING COMMITTEE

March 22, 1977.

SENATE BILL NO. 2825, imposing an annual license fee on vehicles using propane in accordance with vehicle tonnage (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, after "fee" and before "shall" insert "in lieu of said tax"

On page 1, line 17, strike "commercial" and insert "motor" and after "RCW" strike "47.04.010(8)" and insert "46.04.670"

On page 1, line 19, after "TONNAGE" insert "(GVW)"

On page 1, line 27, after "department" and before the comma insert "of motor vehicles".

On page 1, after line 29, insert a new paragraph as follows:

"The director of the department of motor vehicles shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system."

Signed by: Senators Henry, Chairman; Bluechel, Guess, Peterson, Sellar, Talley, Wanamaker.

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 rules were suspended, Engrossed Senate Bill No. 2825 was advanced to third reading, the second 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. 2825, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Murray—1.

Excused: Senators Cunningham, Francis, North, Pullen—4.

ENGROSSED SENATE BILL NO. 2825, having received the constitutional 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 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3002.

## SECOND READING

SENATE BILL NO. 3002, by Senators McDermott and Bluechel:  
Providing for the creation and management of a scenic river system.

## REPORT OF STANDING COMMITTEE

March 29, 1977.

SENATE BILL NO. 3002, providing for the creation and management of a scenic river system (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 11, after "policies" insert "consistent with local government's shoreline management master plans"

On page 3, line 26, after "system." insert "Such policies shall also include management plans to encourage any non-profit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation."

On page 6, line 17, after "ecology" insert "and local government"

On page 6, after "act." on line 24, add a new paragraph as follows: "(3) Nothing in this chapter shall prohibit the department of natural resources from exercising its full responsibilities and obligations for the management of state trust lands."

Signed by: Senators Washington, Chairman; Goltz, Murray, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, the following amendments were adopted:

On page 7, line 34, insert a new section 10 as follows:

"NEW SECTION. Sec. 10. No funds shall be expended from the game fund to carry out the provisions of this chapter."

Renumber the remaining sections consecutively.

On page 7, following line 33, insert new section 11 to read as follows:

"NEW SECTION. Sec. 11. All funds for the implementation of this act as now or hereafter amended shall come from the general fund."

Renumber old section 10 to read "Sec. 12."

On page 8, strike lines 3 and 4 and insert:

"NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 79 RCW."

There being no objection, on motion of Senator Washington, two amendments by Senator Washington to page 8, line 3, and lines 5 and 6, on the desk of the Secretary of the Senate, were withdrawn.

Senator Woody moved adoption of the following amendment:

On page 1, line 27, strike "department of game" and insert "state parks and recreation commission"

Debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Woody yield to a question? Senator Woody, why did you select the parks and recreation commission instead of the department of natural resources?"

Senator Woody: "Frankly, my first choice was the department of natural resources, and working on this quite quickly, I got the information that the department of natural resources did not want this. If that is the case, I would rather have parks. If, however, the department of natural resources would rather be the controlling agency, I would rather have that office too."

Further debate ensued.

The motion by Senator Woody carried and the amendment was adopted.

On motion of Senator Woody, the following amendment was adopted:

On page 4, line 24, after "The" strike "director of the department of game" and insert "chairman of the parks and recreation commission" and on line 25 strike "director's" and insert "chairman's"

Senator Woody moved adoption of the following amendment:

On page 7, line 6, after "diversions" and before "for" strike "solely"

There being no objection, on motion of Senator Woody, the rules were suspended, the amendment proposed by Senator Woody was withdrawn to consider an amendment by Senator Rasmussen.

Senator Rasmussen moved adoption of the following amendment:

On page 7, beginning on line 3, after "Sec. 7." strike all the matter down through "established." on line 7.

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted.

On motion of Senator Marsh, the following amendment was adopted:

On page 7, line 8, strike "section" and insert "act"

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 3002 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 Herr: "Would Senator Bluechel yield to a question? This bill that is in front of us, would this have anything to do with private ownership rights on the rivers or would this affect them in any way?"

Senator Bluechel: "Not in any way. If you will refer to page 6, lines 20 to 24, let me read this. 'Nothing in this chapter shall grant to the committee of participating agencies or the department the power to restrict the use of private land without either the specific written consent of the owner thereof or the acquisition of rights in real property authorized by section four of this act.' To further explain, the only acquisition anybody is talking about in this thing is boat launching ramps to get down to the river, and that is the cost if and when the legislature should vote the funds to do it. That is what is being talked about in the bill. It is boat launching ramps, access to the river for boats."

Senator Herr: "Does it give it the right of eminent domain?"

Senator Bluechel: "There is no eminent domain in the bill. It is specifically excluded."

Further debate ensued.

#### POINT OF INQUIRY

Senator Beck: "Would Senator Donohue yield to a question, please? Senator Donohue, you said that the statement had been made there is no fiscal impact. I have a document in my hand prepared by Mr. George Volker, of the department of game, that says that for the first biennium there is a hundred and thirty-one thousand, nine hundred and fifty dollars. For the six year period of six hundred and

fifty-nine thousand, four hundred and thirty-seven dollars. Has the ways and means committee looked at this bill yet?"

Senator Donohue: "No, Senator, it has not, and I think that those figures you are looking at are what they figure that it will take just for the administration of the act."

Senator Beck: "That is correct. That provides nothing."

Senator Donohue: "There are also other costs in here. I think if you will take a look at new section five which mandates that local government shall also see that the rules are adopted and to function in conjunction with this board. This is going to cost local government money, too, and I would like to say to Senator Bottiger that we have eagles and beaver in many, many other places besides on the river that you are talking about, and I think that they are protected. I think they are happy, and I hate to think about a lot of people parading around a scenic river disturbing all those beautiful creatures."

#### MOTION

On motion of Senator Odegaard, Senators Sandison and Walgren were excused.

#### MOTION

Senator Beck moved that Engrossed Senate Bill No. 3002 be referred to the Committee on Ways and Means.

Debate ensued.

Senator Mardesich amended the motion by Senator Beck that Engrossed Senate Bill No. 3002 be referred to the Committee on Ways and Means with instructions that a fiscal impact statement be prepared and presented to the legislature by May 4, 1977.

Senator Washington demanded a roll call and the demand was sustained by Senators Herr, Rasmussen, Bottiger, Wojahn, McDermott, Bluechel, Day, Gould, Van Hollebeke and Grant.

#### PARLIAMENTARY INQUIRY

Senator Bluechel: "If the bill should be reported back with no fiscal impact next Wednesday, would that be beyond the cutoff date to consider?"

#### REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, we have a fiscal impact on this bill, and I don't see any problem at all, Senator Bluechel. I will get you a copy this afternoon."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes not, Senator Bluechel."

The President declared the question before the Senate to be the motion by Senator Beck, as amended by Senator Mardesich, that Engrossed Senate Bill No. 3002 be referred to the Committee on Ways and Means with instructions.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; nays, 25; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Clarke, Donohue, Fleming, Henry, Herr, Keefe, Mardesich, Matson, Monohon, Morrison, Odegaard, Peterson, Rasmussen, Sellar, von Reichbauer, Woody—19.

Voting nay: Senators Bluechel, Bottiger, Buffington, Day, Gaspard, Goltz, Gould, Grant, Hayner, Jones, Lewis, Marsh, McDermott, Murray, Newschwander, North, Pullen, Ridder, Scott, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—25.

Absent or not voting: Senators Cunningham, Guess—2.

Excused: Senators Francis, Sandison, Walgren—3.

Further debate ensued.

#### MOTION

On motion of Senator Jones, Senator Cunningham was excused.

#### POINT OF INQUIRY

Senator Woody: "Would Senator Washington yield to a question? Senator Washington, where did the hearings take place on Senate Bill three zero zero two? Were they in Olympia, or were they in East Snohomish County?"

Senator Washington: "The hearings on this particular bill were in Olympia."

Senator Woody: "I think you sold me to vote no."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3002.

#### ROLL CALL

The Secretary called the roll and Engrossed Senate Bill No. 3002 passed the Senate by the following vote: Yeas, 25; nays, 21; absent or not voting, 1; excused, 2.

Voting yea: Senators Bluechel, Bottiger, Buffington, Day, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Jones, Lewis, Marsh, McDermott, Murray, Newschwander, North, Pullen, Ridder, Scott, Van Hollebeke, Walgren, Wanamaker, Washington, Wojahn—25.

Voting nay: Senators Bausch, Beck, Benitz, Clarke, Donohue, Henry, Herr, Keefe, Mardesich, Matson, Monohon, Morrison, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, von Reichbauer, Wilson, Woody—21.

Absent or not voting: Senator Guess—1.

Excused: Senators Cunningham, Francis—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 Bottiger, Engrossed Senate Bill No. 3002 was ordered immediately transmitted to the House.

#### MOTION

At 2:35 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, April 28, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 28, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Cunningham, Fleming, Francis, Mardesich, McDermott, Peterson, Van Hollebeke and Walgren. On motion of Senator Jones, Senator Cunningham was excused. On motion of Senator Odegaard, Senators Bausch, Fleming, Francis, Mardesich, McDermott, Peterson, Van Hollebeke and Walgren were excused.

The Color Guard, consisting of Pages Kathleen Anderson and Duane Slemmer, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GRANT, O GOD, THAT COMMITTED, CAPABLE AND SENSITIVE PEOPLE MAY COME TO UNDERTAKE THE WORK OF THIS LEGISLATIVE BODY AS A CALLING AND AS A WAY OF RENDERING SERVICE. GRANT, WE PRAY, THAT THEY MAY BRING TO THEIR WORK, BRAINS THAT THINK AND HEARTS THAT FEEL, THAT THEY MAY HAVE IDEALS, IMAGINATION, WISDOM AND COURAGE; THAT THEY MAY NEVER BE ENSLAVED BY ROUTINE AND CONVENTION AND POPULAR OPINION, BUT EVER BE UPHELD BY THY FREE SPIRIT, THROUGH THE GRACE OF OUR LORD JESUS CHRIST. AMEN."

**MOTION**

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

April 27, 1977.

ENGROSSED HOUSE BILL NO. 41, providing mounted rangers to two state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

Passed to Committee on Rules for second reading.

April 26, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 252, enacting the "Natural Death Act" (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 384, providing for the confidentiality of examination reports of financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Herr, Jones, Mardesich, Walgren.  
Passed to Committee on Rules for second reading.

April 28, 1977.

**SUBSTITUTE HOUSE BILL NO. 512**, permitting counties, cities, and districts to make bank deposits of salaries (reported by Committee on Local Government):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Wilson, Chairman; Bluechel, Sellar, Talley.  
Passed to Committee on Rules for second reading.

April 27, 1977.

**HOUSE BILL NO. 703**, revising the laws regulating motor vehicle wreckers (reported by Committee on Transportation):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 27, 1977.

**HOUSE BILL NO. 733**, prescribing penalties for misuse of transporter plates (reported by Committee on Transportation):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 28, 1977.

**ENGROSSED HOUSE BILL NO. 753**, authorizing sewer district removal of pollutants from nearby waters (reported by Committee on Ecology):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Washington, Chairman; Guess, Murray, Ridder.  
Passed to Committee on Rules for second reading.

April 27, 1977.

**HOUSE BILL NO. 758**, revising the law requiring vehicles to stop for school buses (reported by Committee on Transportation):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 28, 1977.

**HOUSE BILL NO. 842**, removing county auditor filing requirements for business corporations (reported by Committee on Local Government):

**MAJORITY recommendation: Do pass.**

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.  
Passed to Committee on Rules for second reading.

April 27, 1977.

**SUBSTITUTE HOUSE BILL NO. 880**, implementing law relating to school principals and their powers and duties and allowing school district management teams (reported by Committee on Education):



MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray.

Passed to Committee on Rules for second reading.

### MOTIONS

On motion of Senator Marsh, Senate Bill No. 2490 was ordered placed at the end of today's calendar.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3058.

### SECOND READING

SENATE BILL NO. 3058, by Senators Sellar, Wilson and Wanamaker:

Authorizing coverage of volunteer law enforcement officers under the industrial insurance laws.

### REPORT OF STANDING COMMITTEE

March 30, 1977.

SENATE BILL NO. 3058, authorizing coverage of volunteer law enforcement officers under the industrial insurance laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On line 1 of the title after "to" and before "industrial" insert "volunteer law enforcement coverage in"

Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment to the title was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 3058 was advanced to third reading, the second 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. 3058, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senator Buffington—1.

Excused: Senators Cunningham, Fleming, Francis, Mardesich, McDermott, Peterson, Walgren—7.

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. 3060, by Senators Beck, Cunningham and Henry:

Permitting motor vehicle headlamps which meet international standards.

The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, Senate Bill No. 3060 was advanced to third reading, the second 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. 3060, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senator Pullen—1.

Excused: Senators Cunningham, Fleming, Francis, Mardesich, McDermott, Walgren—6.

SENATE BILL NO. 3060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2927, by Senator von Reichbauer:  
Changing the time when animals are deemed abandoned.

The bill was read the second time by sections.

There being no objection, on motion of Senator Sellar, an amendment by Senators Jones, Lewis, Wanamaker and Sellar on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 2927 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 von Reichbauer yield to a question? Senator von Reichbauer, if my prize stallion runs off after some young filly and gets brought into one of these places, does this provide for runaway animals first of all?"

Senator von Reichbauer: "No."

Senator Van Hollebeke: "Does it have anything to do with that?"

Senator von Reichbauer: "It only addresses itself to animals that have been left there for specified or unspecified time periods by their owners. It has nothing to do with animals that have run away."

Senator Van Hollebeke: "O.K. Thank you. That is all I needed."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2927, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Cunningham, Fleming, Francis, Mardesich—4.

SENATE BILL NO. 2927, having received the constitutional 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 10:25 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 12:05 p.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3027.

#### SECOND READING

SENATE BILL NO. 3027, by Senators Monohon and Marsh:

Authorizing juvenile authorities to require delinquent children to repair damage done.

#### MOTIONS

On motion of Senator Monohon, Substitute Senate Bill No. 3027 was substituted for Senate Bill No. 3027, and the substitute bill was placed on second reading and read the second time in full.

Senator Hayner moved adoption of the following amendment:

On page 2, line 19, strike all of subsection (3).

Renumber remaining subsections consecutively.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, it maybe would help me to understand this better if Senator Hayner could define what an informal adjustment is."

Senator Hayner: "Well, actually, if you are speaking of the informal adjustment of the probation officer, if you, for instance, Senator Odegaard, would indicate that your neighbor's boy has stolen something out of your yard, and you told the probation officer about it, and yet you were not willing to file a petition to that effect in court, the probation officer would take the matter up and make an informal adjustment on it, and he may decide to divert that child and not ever file a petition in court.

"In this way, we can, on a very informal basis, sometimes take care of these problems and straighten the kids out without having to go to the more formal open court procedure."

The motion by Senator Hayner carried and the amendment was adopted.

On motion of Senator Hayner, the following amendment was adopted:

On page 2, section 2, line 24, beginning with "if", strike all material through line 35 and insert:

"If a child, who has been accepted for informal adjustment, fails or neglects to carry out and fulfill any term or condition of the informal adjustment, the facility, center, institution or probation officer administering the informal adjustment shall immediately report such breach to the court. The court, upon receiving such a report shall hold a hearing to determine whether the child should be removed from the informal adjustment program. At the hearing, evidence shall be taken of the child's alleged failure to comply with the informal adjustment program, and the child shall have the right to present evidence on his or her behalf. The court shall either order

that the child continue on the informal adjustment program or be removed from the program. If removed from the informal adjustment program, a petition shall be filed pursuant to RCW 13.04.060 as now or hereafter amended. If a petition is filed, the case shall proceed as if an informal adjustment has never been entered."

On motion of Senator Monohon, the rules were suspended, Engrossed Substitute Senate Bill No. 3027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Monohon would yield? Senator Monohon, I am checking my list. Is this the first speech you have made on the floor?"

Senator Monohon: "Yes, Senator Talley."

Senator Talley: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3027, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Gould—1.

Excused: Senators Cunningham, Donohue, Francis, Mardesich—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 117, by Senators Walgren, Sandison, Matson and Newschwander:

Amending Senate Concurrent Resolution No. 113.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 117 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 117 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2516.

## SECOND READING

SENATE BILL NO. 2516, by Committee on Agriculture (endorsed by Senators Gaspard, Benitz, Wilson, Day and Wanamaker):  
Revising the laws relating to apiaries.

## REPORT OF STANDING COMMITTEE

February 23, 1977.

SENATE BILL NO. 2516, revising the laws relating to apiaries (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

On page 3, line 6, after "register" strike "~~((without charge))~~" and insert "without charge"

On page 5, line 12, after the period insert "The owner shall pay the actual and necessary costs of abatement."

Signed by: Senators Gaspard, Chairman; Benitz, Day, Wanamaker, Wilson.

The bill was read the second time by sections.

On motion of Senator Gaspard, the committee amendments were adopted.

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 2516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Scott: "Would Senator Gaspard yield? I am not being facetious now, Senator, but if we create a commission for the care of apiaries, I am wondering how we can deny a commission on any other subject. Isn't there any other way to handle this problem?"

Senator Gaspard: "Oh, I suppose there are many ways to handle the problem. This just happens to be one we picked out. There is a fiscal note that it would probably cost the department an estimate of sixteen hundred dollars for the biennium. It points in there that the commission shall meet at least once a year. It is anticipated that the commission will probably meet three times during the first year of its creation. Thereafter, it will meet at the most two times a year. I don't anticipate it being a very active committee, but to those in the bee-keeping industry it is a very important step for them, and it is not going to be a large financial or fiscal drain on the state."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2516, and the bill passed the Senate by the following vote: Yeas, 33; nays, 1; absent or not voting, 12; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, Odegaard, Pullen, Rasmussen, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—33.

Voting nay: Senator Scott—1.

Absent or not voting: Senators Fleming, Guess, Herr, McDermott, Murray, North, Peterson, Ridder, Sandison, Sellar, Walgren, Woody—12.

Excused: Senators Cunningham, Donohue, Francis—3.

ENGROSSED 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.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2559, by Committee on State Government (originally sponsored by Senators Sandison, Walgren and Buffington) (by Governor Ray request):

Creating the governor's office of citizens' affairs.

The Senate resumed consideration of Substitute Senate Bill No. 2559, as amended on April 5, 1977. On that day, Senator Wojahn moved Substitute Senate Bill No. 2559, as amended, be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Wojahn carried. Substitute Senate Bill No. 2559 was referred to the Committee on Ways and Means on a rising vote.

## SECOND READING

SENATE BILL NO. 2383, by Senators Woody, Donohue, Scott and Clarke (by Legislative Budget Committee request):

Providing for salary surveys and incentive pay for public employees.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2383 was substituted for Senate Bill No. 2383, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2383 was advanced to third reading, the second 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. 2383, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott,

Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Voting nay: Senator Newschwander—1.

Excused: Senators Cunningham, Donohue, Francis—3.

SUBSTITUTE SENATE BILL NO. 2383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2527, by Senator Henry:  
Relating to motor vehicles.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2527 was substituted for Senate Bill No. 2527 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. 2527 was ordered held for the second reading calendar on April 29, 1977.

### MOTION

On motion of Senator Marsh, Senate Joint Resolution No. 124 will be considered following Senate Bill No. 2429.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3098, by Committee on Financial Institutions (originally sponsored by Senator Herr):

Excluding certain information from driving record abstracts furnished to insurance companies.

The Senate resumed consideration of Substitute Senate Bill No. 3098, as amended on April 15, 1977.

Senator Grant moved adoption of the following amendment:

On page 2, after line 31 insert the following:

"Sec. 2. Section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That refusal to submit to the tests provided for in this section shall not affect a person's eligibility to hold an occupational driver's license or privilege to

drive pursuant to such license: PROVIDED FURTHER, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections 2 through 6 of this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of motor vehicles, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to



review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license."

POINT OF ORDER

Senator Henry: "I raise scope and object on both of them."

POINT OF ORDER

Senator Washington: "I raise the question of the scope and object of the amendment. Clearly it enlarges the scope and object of the bill which is a bill relating to driver abstracts in the department of motor vehicles, while the amendment would apply to the Breathalyzer operation and would relate to occupational driver's license, clearly expanding the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "The President finds that Senate Bill 3098 is a bill that provides that information pertaining to accidents incurred by law enforcement officers and firefighters while driving official vehicles in the performance of their occupational duty shall, under certain conditions, be excluded from the abstract report provided to the insurance company.

"The proposed amendment by Senator Grant applies to all people driving vehicles and repeals a portion of the so-called implied consent law, therefore the President believes the amendment does change the scope and object of the bill, and the point of order as presented by Senator Henry and Senator Washington is well taken."

The amendment by Senator Grant was ruled out of order.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute Senate Bill No. 3098 was advanced to third reading, the second 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. 3098, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 7; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Bausch, Bottiger, Mardesich, Matson, Morrison, Peterson, Walgren—7.

Excused: Senators Cunningham, Donohue, Francis—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3908, having received the constitutional majority, was declared passed. 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. 2480.

## SECOND READING

SENATE BILL NO. 2480, by Senators Ridder, Grant and Bailey (by Department of Employment Security request):

Revising the law on unemployment compensation.

## MOTIONS

On motion of Senator Ridder, Substitute Bill No. 2480 was not substituted for Senate Bill No. 2480.

Senate Bill No. 2480 was read the second time by sections.

Senator Ridder moved adoption of the following amendment by Senators Ridder and Morrison:

On page 2, beginning on line 26, strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 3, Laws of 1971 and RCW 50.04.116 are each amended to read as follows:

The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada ~~((or the Virgin Islands))~~, and in the case of the Virgin Islands after December 31, 1971 and prior to January 1 of the year following the year in which the United States secretary of labor approves the unemployment compensation law of the Virgin Islands under section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of RCW 50.04.110 or 50.04.120 or the parallel provisions of another state's law), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States but:

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria ~~((fimt))~~ in subsections (1) and (2) of this section is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the laws of this state.

(4) An "American employer", for the purposes of this section, means a person who is:

(a) An individual who is a resident of the United States; or

(b) A partnership if two-thirds or more of the partners are residents of the United States; or

(c) A trust, if all of the trustees are residents of the United States; or

(d) A corporation organized under the laws of the United States or of any state.

Sec. 2. Section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150 are each amended to read as follows:

The term "employment" shall not include service performed in agricultural labor except as otherwise provided in section 3 of this 1977 amendatory act.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

NEW SECTION. Sec. 3. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

(1) Service performed in agricultural labor on and after January 1, 1978, for a farm operator or crew leader will be deemed services in employment if the farm operator or crew leader:

(a) Paid twenty thousand dollars or more as remuneration to individuals employed in agricultural labor during any calendar quarter in the current or preceding calendar year; or

(b) Employed ten or more individuals in agricultural labor for some portion of the day in each of twenty different calendar weeks in either the current or preceding calendar year regardless of whether they were employed at the same moment of time or whether or not the weeks were consecutive.

(2) Service performed in agricultural labor on and after January 1, 1980, for a farm operator or crew leader will be deemed services in employment if the farm operator or crew leader:

(a) Paid five thousand dollars or more as remuneration to individuals employed in agricultural labor during any calendar quarter in the current or preceding calendar year; or

(b) Employed four or more individuals in agricultural labor for some portion of the day in each of twenty different calendar weeks in either the current or preceding calendar year regardless of whether they were employed at the same moment of time or whether or not the weeks were consecutive.

(3) Service performed in agricultural labor on and after January 1, 1982, for a farm operator or crew leader will be deemed services in employment if the farm operator or crew leader employed one or more individuals and paid remuneration of one thousand dollars or more to individuals employed in agricultural labor in any calendar quarter in the current or the preceding calendar year.

(4) A farm operator is the owner or tenant of the farmlands who stands to gain or lose economically from the operations of the farm. Employment will be considered employment by the farm operator unless it is established to the satisfaction of the commissioner that the services were performed in the employ of a crew leader. The risk of nonpersuasion is upon the farm operator. The operator will nonetheless be liable for contributions under RCW 50.24.130 even though services performed on the operator's farmlands would not be sufficient to bring the services under the term employment if services performed on the operator's land in the employ of a crew leader would be covered and the crew leader has failed to pay contributions on the

services. For the purposes of the preceding sentence and RCW 50.24.130, all moneys paid or payable to the crew leader by the farm operator shall be deemed paid for services unless there is a written contract clearly specifying the amounts of money to be attributed to items other than services of the crew leader or the crew leader's employees.

(5) For the purposes of this section, a crew leader is a person who furnishes individuals to perform services in agricultural labor for the benefit of any other person, who pays for the services performed in agricultural labor (either on his or her own behalf or on behalf of the other person), and who has not made a written agreement making himself or herself an employee of the other person: **PROVIDED**, That no person shall be deemed a crew leader unless he or she is established independently of the person for whom the services are performed and either has a valid certificate of registration under the farm labor contractor registration act of 1963 or substantially all the members of his or her crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment which is provided by the crew leader.

Sec. 4. Section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160 are each amended to read as follows:

~~((The term "employment" shall not include domestic service in a private home, local college club, or local chapter of a college fraternity or sorority. **PROVIDED, HOWEVER, That**) Services performed in domestic service in a private home, local college club, or local chapter of a college fraternity or sorority shall not be considered services in employment unless the services are performed after December 31, 1977, for a person who paid remuneration of one thousand dollars or more to individuals employed in this domestic service in any calendar quarter in the current or the preceding calendar year. The terms local college club and local chapter of a college fraternity or sorority shall not be deemed to include alumni clubs or chapters.~~

**NEW SECTION.** Sec. 5. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

Services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

**NEW SECTION.** Sec. 6. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if the individual performed the services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform the services in the latter of the seasons (or similar periods).

Sec. 7. Section 28, chapter 35, Laws of 1945 and RCW 50.04.270 are each amended to read as follows:

The term "employment" shall not include casual labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business or domestic services as defined in RCW 50.04.160 shall not be deemed to be casual labor.

Sec. 8. Section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300 are each amended to read as follows:

"State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

**NEW SECTION.** Sec. 9. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

(1) Benefits shall not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of 8 U.S.C. Sec. 1153(a)(7) or 8 U.S.C. Sec. 1182(d)(5): PROVIDED, That any modifications to 26 U.S.C. Sec. 3304(a)(14) as provided by PL 94-566 which specify other conditions or other benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by 26 U.S.C. Sec. 3301 shall be deemed applicable under this section.

(2) Any data or information required on individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence.

Sec. 10. Section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) A week for which there is a national "on" indicator((:); or

(ii) A week for which there is a state "on" indicator((: PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date:); and

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state((: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively)).

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent)), for the period consisting of such week and the twelve weeks immediately preceding it, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent)), for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) (~~as determined under the provisions of subsection (6) of this section~~):

(a) Equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years(;) and

(b) Equalled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) (~~as determined under the provisions of subsection (6) of this section~~) was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) (~~"Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor, by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.~~

(7)) "Regular benefits" means benefits payable to an individual under this title or(;) under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

((~~8~~)) (7) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than ((emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period)) regular or additional benefits.

((~~9~~)) (8) "Additional benefits" are benefits ((other than regular benefits or extended benefits)) totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

((~~10~~)) (9) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

((~~11~~)) (10) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week, after the

cancellation of some or all of his wage credits or the total or partial reduction of his rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his current benefit year all of the regular benefits that were payable to him, or available to him, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his current benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he is not entitled to regular benefits with respect to such week of unemployment (although he may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his current benefit year), and he is otherwise an exhaustee within the meaning of this section with respect to his right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him during such year because his wage credits were canceled or his right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His benefit year having ended prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of the Virgin Islands or Canada, unless the appropriate agency finally determines that he is not entitled to unemployment benefits under such law for such week.

((12)) (11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

Sec. 11. Section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160 are each amended to read as follows:

Any employing unit for which services that do not constitute employment as defined in this title are performed may file with the commissioner a written election that all such services performed by any distinct class or group of individuals or by all individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this title for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to this title from and after the date stated in such approval(~~(-PROVIDED, HOWEVER, That any political subdivision of this state or any instrumentality of a political subdivision may elect coverage in accordance with the provisions of RCW 50.44.030 as a matter of right)~~). Services covered pursuant to this section shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for

termination of coverage(~~(- PROVIDED, FURTHER, That the provisions of RCW 50.04.200 to the contrary notwithstanding, public port districts may elect to cover the services of all or any distinct class or group of individuals in its employ on a contribution basis, such election shall preclude said port districts from covering contemporaneous services of any other class or group of employees under the provisions of RCW 50.44.030)).~~

Sec. 12. Section 19, chapter 3, Laws of 1971 and RCW 50.44.020 are each amended to read as follows:

Commencing with benefit years beginning on or after January 28, 1971, services performed subsequent to September 30, 1969 in the employ of this state or any of its wholly owned instrumentalities or jointly owned instrumentalities of this state and another state or this state and one or more of its political subdivisions shall be deemed services in employment unless such services are excluded from the term employment by RCW 50.44.040.

The state shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060: PROVIDED, HOWEVER, That for weeks of unemployment beginning after January 1, 1979, the state shall pay in addition to the full amount of regular and additional benefits so attributable the full amount of extended benefits so attributable: PROVIDED, FURTHER, That no payment will be required from the state until the expiration of the twelve-month period following the end of the biennium in which the benefits attributable to such employment were paid. The amount of this payment shall include an amount equal to the amount of interest that would have been realized for the benefit of the unemployment compensation trust fund had such payments been received within thirty days after the day of the quarterly billing provided for in RCW 50.44.060(2)(a).

Sec. 13. Section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030 are each amended to read as follows:

~~((Any political subdivision of this state or any instrumentality of a political subdivision may elect to cover the services of all or any distinct class or group of individuals in its employ: PROVIDED, HOWEVER, That public utility districts and public power authorities may not elect coverage under this section: PROVIDED, FURTHER, That any political subdivision of this state or any instrumentality of a political subdivision which elects to cover the services of any employees in an institution of higher education or hospital operated by said political subdivision or instrumentality shall cover the services of all employees in all institutions of higher education and all hospitals operated by said political subdivision or instrumentality.~~

~~For the purposes of this chapter the term "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel:~~

~~For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which~~

~~(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;~~

~~(2) Is legally authorized within this state to provided a program of education beyond high school;~~

~~(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and~~



(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Services covered by the election performed subsequent to the date of such election shall be deemed services in employment unless such services are excluded from the term "employment" by RCW 50.44.040.

Any political subdivision or instrumentality electing coverage under this section shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060.

An election under the provisions of this section shall be for no less than two calendar years. A political subdivision or instrumentality of a political subdivision desiring to terminate coverage may do so by filing a written application for termination of coverage no later than the December fifteenth preceding the calendar year with respect to which such termination is to be effective. Termination of coverage will not relieve the political subdivision or instrumentality of a political subdivision of the obligation to reimburse the unemployment compensation fund for all benefits paid attributable to service performed during the covered period in the employ of such political subdivision or instrumentality of a political subdivision:))

(1) All services performed for any political subdivision or instrumentality of one or more political subdivisions of this state or one or more political subdivisions of this state and any other state after December 31, 1977, will be deemed to be services in employment to the extent coverage is not exempted under RCW 50.44.040.

(2) All such units of government shall file, before December 15, 1977, a written registration with the commissioner of the employment security department. Such registration shall specify the manner in which the unit of government will finance the payment of benefits. The elections available to counties, cities and towns are the local government tax, provided for in section 14 of this 1977 amendatory act, or payments in lieu of contributions, as described in RCW 50.44.060. The elections available to other units of government are the contributions plan in chapters 50.24 and 50.29 RCW, or payments in lieu of contributions, described in RCW 50.44.060. Under any election the governmental unit will be charged the full amount of regular and additional benefits attributable to its account plus one-half the amount of extended benefits so attributable: PROVIDED, HOWEVER, That beginning with weeks of unemployment commencing after January 1, 1979, the unit of government which is financing the payment of benefits under the payment in lieu of contributions option shall, in addition to paying the full amount of regular and additional benefits attributable to its account, pay the full amount of extended benefits so attributable.

(3) Any political subdivision or instrumentality of more than one political subdivision of this state is hereby authorized to enter into agreements with other political subdivisions or instrumentalities of more than one political subdivision of this state to form pool accounts for the purpose of making payments in lieu of contributions. These accounts shall be formed and administered in accordance with applicable regulations. The formation of such accounts shall not relieve the governmental unit of the responsibility for making required payments in the event that the pool account does not make the payments.

NEW SECTION. Sec. 14. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

(1) Any county, city or town which has not elected to make payments in lieu of contributions shall pay a "local government tax". The local government tax is a percentage, determined in accordance with the provisions of this section, of all remuneration paid for services in its employment.

(a) For calendar years 1978 and 1979 all such employers shall pay local government tax at the rate of one and one-quarter percent.

(b) For each year after 1979 each such employer's tax rate shall be computed in accordance with this section.

(2) A reserve account shall be established for each such employer.

(a) The "reserve account" of each such employer shall be credited with tax amounts paid and shall be charged with benefit amounts charged in accordance with the formula set forth in RCW 50.44.060 except that such employer's account shall be charged for the full amount of extended benefits so attributable for weeks of unemployment commencing after January 1, 1979. Such credits and charges shall be cumulative from January 1, 1978.

(b) After the cutoff date, the "reserve ratio" of each such employer shall be computed by dividing its reserve account balance as of the computation date by the total remuneration paid during the preceding calendar year for services in its employment. This division shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(3) A "benefit cost ratio" for each such employer shall be computed by dividing its total benefit charges during the thirty-six months ending on the computation date by its total remuneration for the same period: PROVIDED, That after the cutoff date in 1979 each employer's total benefit charges for the fifteen months ending on the cutoff date shall be divided by its total remuneration paid in the calendar year 1978; and after the cutoff date in 1980 each employer's total benefit charges for the twenty-seven months ending on the cutoff date shall be divided by its total remuneration paid in the calendar years 1978 and 1979. Such computations shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(4) For each such employer its benefit cost ratio shall be subtracted from its reserve ratio. One-third of the resulting amount shall be subtracted from its benefit cost ratio. The resulting figure, expressed as a percentage and rounded to the nearest tenth of one percent, shall become its local government tax rate for the following rate year. For the rate year 1980 no tax rate shall be less than six-tenths percent nor more than two and two-tenths percent. For 1981 no tax rate shall be less than four-tenths percent nor more than two and two-tenths percent. For years after 1981 no tax rate shall be less than two-tenths percent nor more than three percent. No individual rate shall be increased by more than one percent from one rate year to the next.

(5) After December 31, 1979, newly formed political subdivisions or instrumentalities of one or more political subdivisions of this state which do not elect to make payments in lieu of contributions shall pay local government tax at the rate of one and one-quarter percent until they have been chargeable with benefits for at least twenty-four months prior to any computation date.

(6) Each year after 1980 the commissioner shall review the local government tax system and make recommendations to the legislature for changes in said system.

(7) Local government employers shall have the same rights to request review and redetermination of their tax rates as provided in RCW 50.29.070.

(8) The commissioner may redetermine any local government tax rate in accordance with the provisions of RCW 50.29.080, and the employer involved shall have the same rights to request review and redetermination.

NEW SECTION. Sec. 15. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provided a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Sec. 16. Section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) Before January 1, 1978, in the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education" (~~(, or in the employ of a nongovernmental preschool. A preschool is an organization devoted exclusively to the area of child development training of preschool-age children through an established curriculum of formal classroom and/or laboratory instruction)~~); or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a (~~hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution~~) custodial or penal institution by an inmate of the custodial or penal institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time

program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

(10) Before January 1, 1978, in the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis; or

(11) Before January 1, 1978, in the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked; or

(12) In the employ of a nongovernmental preschool which is devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom or laboratory instruction which did not employ four or more individuals on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week; or

(13) After December 31, 1977, in the employ of the state or any of its instrumentalities or political subdivisions of this state in any of its instrumentalities by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of the national guard or air national guard; or

(c) In a policymaking position the performance of the duties of which ordinarily do not require more than eight hours per week.

Sec. 17. Section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050 are each amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: PROVIDED HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an ~~((institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: PROVIDED FURTHER, That))~~ educational institution shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: PROVIDED FURTHER, That)) educational institution shall not be paid to an individual for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, or during a period of paid sabbatical leave provided in the individual's contract if the individual performs

the services in the first of the academic years or terms and there is a contract or a reasonable assurance that the individual will perform services in the capacity for any educational institution in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term. Any employee of a common school district who is ((conclusively)) presumed to ((have been)) be reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

Benefits shall not be paid based on services in any other capacity for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, if the individual performs these services in the first of such academic years or terms and there is a contract or a written notice to the employee that the individual will perform services for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term.

Sec. 18. Section 23, chapter 3, Laws of 1971 and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

~~(a) ((Any nonprofit organization which is, or becomes, subject to this title on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972. PROVIDED, That it files with the commissioner a written notice of its election within the thirty-day period immediately following such date.~~

~~(b)) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.~~

~~((c)) (b) Any nonprofit organization which makes an election in accordance with paragraph(s) (a) ((or (b))) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.~~

~~((d)) (c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the~~

beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

~~((f))~~ (d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

~~((ff))~~ (e) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) ~~((For 1972, six-tenths of one percent of its total payroll for 1971.~~

~~((B) For years after 1972, such))~~ (B) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

~~((C))~~ (B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess

may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount ~~((payable))~~ payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) ~~((or (b)))~~ through (d) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

~~((4) Notwithstanding any other provisions in this section, any nonprofit organization which prior to January 1, 1969, paid contributions into the unemployment compensation fund, and pursuant to this section, elects, within thirty days after January 1, 1972 to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular, additional, or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.))~~

NEW SECTION. Sec. 19. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

(1) Effective with benefit years beginning on and after January 1, 1978, base year wages shall include remuneration paid for previously uncovered services: PROVIDED, That the maximum benefits payable to an individual as computed for the benefit year will be reduced to the extent that benefits were paid on the basis of identical calendar quarters of the previously uncovered services with respect to a claim filed by the individual under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974. Benefits will be paid, subject to the provisions of this title, based upon the previously uncovered services to the extent that the unemployment compensation trust fund will be reimbursed for the cost thereof by the federal

government under section 121 of PL 94-566 and regulations published by the secretary of labor relating thereto.

(2) For the purposes of this section, the term "previously uncovered services" means services performed before January 1, 1978, which are not employment as defined in Title 50 RCW at any time during the one year period ending December 31, 1975, and which:

(a) Is agricultural labor as defined in RCW 50.04.150 and covered by section 3 of this 1977 amendatory act or domestic services as defined in and covered by RCW 50.04.160; or

(b) Is service performed by an employee of this state or a political subdivision of this state newly covered by this 1977 amendatory act or by an employee of a nonprofit educational institution which is not an institution of higher education as provided in RCW 50.44.040(3).

(3) Any nonprofit organization or governmental entity electing to make payments in lieu of contributions shall not be liable to make payments with respect to benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

(4) Benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section shall not be charged to the experience rating account of any contribution paying employer to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

NEW SECTION. Sec. 20. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

This 1977 amendatory act has been enacted to meet the requirements imposed by the federal unemployment tax act as amended by PL 94-566. Internal references in any section of this 1977 amendatory act to the provisions of that act are intended only to apply to those provisions as they existed as of the effective date of this 1977 amendatory act.

In view of the importance of compliance of this 1977 amendatory act with the federal unemployment tax act, any ambiguities contained herein should be resolved in a manner consistent with the provisions of that act. Considerable weight has been given to the commentary contained in that document entitled "Draft Language and Commentary to Implement the Unemployment Compensation Amendments of 1976 PL 94-566", published by the United States department of labor, employment and training administration, and that commentary should be referred to when interpreting the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 21. Section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200 are each repealed on January 1, 1978.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 26, chapter 35, Laws of 1945 and RCW 50.04.250; and

(2) Section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260.

NEW SECTION. Sec. 23. Sections 6, 11, 13, 14, 15, and 17 of this 1977 amendatory act shall take effect on January 1, 1978."



## POINT OF INQUIRY

Senator Rasmussen: "Would Senator Ridder yield to a question? Senator Ridder, do I understand you to say that this was part of the federal law that we cut off those school district employees that only work nine months?"

Senator Ridder: "This is one of the options which we had available to us, Senator Rasmussen, and it was the decision of the committee to write in what we felt was reasonable assurance language which was what the department was now acting on. The committee felt that reasonable assurance should be somewhat more closely defined."

Senator Rasmussen: "Let me ask another question. Those employees—let's take the very lowest paid in the schools, the cafeteria workers and the cooks that are ordinarily hired for nine months. They will not be able to draw unemployment even though they are looking for work?"

Senator Ridder: "I think if they do not have written notice of fall employment and are looking for work, then they would be eligible."

Senator Rasmussen: "Then under this interpretation that you are giving me, each and every school district would have to, in effect, cut those employees off and say, 'you are not coming back,' and release them so they could get unemployment—"

Senator Ridder: "That is true."

Senator Rasmussen: "—or look for work."

Senator Ridder: "If that was the objective. Many school employees, Senator Rasmussen, are on effectively a twelve month basis in which their salary is paid proportionately for a twelve month period, that is, an annual basis even though they are not called upon to perform duties during those summer months, and in actuality, may be available for some kinds of temporary employment if they wish to be employed during the summer. They also, of course, if they are on a twelve months payout, are probably receiving both health and welfare and pension benefits."

Senator Rasmussen: "Thank you, Senator Ridder."

Debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Ridder yield to a question? Senator Ridder, I notice in the analysis of this bill it says, 'There will be a denial of benefits to professional athletes between seasons and illegal aliens.' My understanding is that you can ask an alien if he or she is illegal or not, but they don't have to prove to you whether they are legal. How are we going to prove that they are illegal so that they would not qualify?"

Senator Ridder: "I think that has to be within the administration of the department, and it has been my understanding from contacts with Mr. Garcia and communications from him that there is a real desire to put that into conformity in various offices, and to achieve as closely as possible evaluation of whether that is actually a legal alien worker. I think at this point we are not, perhaps, in a position to say specifically, 'This person is entitled and can be considered legal.'"

Further debate ensued.

Senator Grant moved adoption of the following amendment to the amendment by Senators Ridder and Morrison:

On page 16, strike all of section 14 and renumber the remaining sections.

## POINT OF INQUIRY

Senator Beck: "Thank you, Mr. President. Would Senator Ridder yield to a question, please? Senator Ridder, I too, dislike the federal government interfering with our programs here, and I heard one figure mentioned, but just in order to

impress upon the seriousness of this thing, do you have and would you repeat again the figures which it is going to cost the state, the fiscal impact of this if we do not pass the bill?"

Senator Ridder: "You have asked, actually, two different questions, Senator Beck, because you have asked for the fiscal impact and you have asked for what it will cost the state."

Senator Beck: "I would like both."

Senator Ridder: "O.K. The fiscal impact is three hundred eight million dollars. It will not cost the state that much because, in essence, it is the cost to the employers of the state who will be required to pay taxes and will not get credit for a state program because they will be outside of conformity and eligibility for that program. In addition, Senator Morrison mentioned, I think, forty-five million, was that right? That would be administrative costs. He suggests that perhaps the unemployment compensation program might not operate. I would suggest that might be an additional cost to the general fund in order to have that operate."

Senator Beck: "Thank you kindly."

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Morrison yield to a question? Senator Morrison, I don't recall if you were here at that time. Do you remember the time that the representatives of the Boeing Company approached the legislators and said, 'We have no unemployment. We think that we are entitled to an experience rating that we would only have to pay about one-third the going rate because we are paying so much into the fund, and never drawing anything out of it. The legislature in its wisdom did not go on experience rating that time, though we had had it previously some years ago. It seems to me that it was about two years later that Boeing then had a great experience. They went from some hundred and two thousand employees down to somewhere around forty-five to fifty thousand, and it took the unemployment comp fund down some three or four hundred million, and they are still down about fifty million even with their employment today. Now that is what experience rating did. If we had gone that way as suggested at that time by Boeing, our fund would have been depleted because we would have not been paying into it."

"Now you are suggesting we go back to experience rating for county, city and school employees, when through the years it is proven that if we maintain a level rate and increase it on everybody that we are far better able to handle the problems of unemployment than the person that is in the seasonal industries that does not have that exceedingly high rate caused by the seasonal industries. But, in effect, you are saying it is good now when it was not good a few years ago. I think we should maintain the level rates rather than go on experience rating, and I am inclined to agree with Senator Grant."

Senator Morrison: "Senator Rasmussen, we could fish several questions out of your speech. I am sure if you were still serving as the mayor of Tacoma you would be right here along with all of the other elected officials saying, 'Our rates of employment in the city of Tacoma have been very level over the years. In fact, the tests show that we should only be paying point six six percent of our payroll as a tax, and the only option we have is to pay three percent emergency rate that is charged to all other employers.' I don't think you would want that, and I am sure you wouldn't have if you were still speaking for local government."

"Yes, I remember the days when an earned rate system was discussed by private enterprise. The approach that many of us took at that time was to build in enough safeguards that an earned rate system would still guarantee a solvent fund. We have an earned rate system right now. Unfortunately, it takes about a three hundred million dollar cushion in the fund before it goes into effect, and because of

the Boeing decline and other circumstances the system really has never worked, and that is because of the safeguards that were built into the compromise that occurred back about 1970. I think that there are sufficient safeguards built into this proposal that I don't think we, as a legislature, should mind setting up this system to demonstrate whether an earned rate proposal actually can work or not.

"Under this proposal any city, say the city of Seattle, finally just one day went out of business and everyone was unemployed, and qualified. Naturally the fund could not cover that sort of cost, but the department continues to have the authority to go back to that individual unit of government and sue them, take them to court, do everything they possibly can to collect, just as they would an individual business.

"I just assure you there is no risk in this. The only risk that is involved is this might look pretty good after a few years, and this legislature might, in fact, be willing to say, 'Why don't we do the same thing for private industry?'"

Further debate ensued.

### POINT OF INQUIRY

Senator Jones: "Mr. President, would Senator Grant yield to a question? Senator Grant, do you have any knowledge of how King County might feel about this particular amendment?"

Senator Grant: "I have no knowledge—that shot that."

Senator Senator Jones: "I think so. The answer was there. I think we are aware. Thank you, Senator."

The motion by Senator Grant failed and the amendment was not adopted on a rising vote.

The motion by Senator Ridder carried and the amendment by Senators Ridder and Morrison was adopted.

On motion of Senator Ridder, the following amendment by Senators Ridder and Morrison to the title was adopted:

On line 1 of the title after "unemployment compensation;" delete the remainder of the title and insert "amending section 7, chapter 3, Laws of 1971 and RCW 50.04.116; amending section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150; amending section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160; amending section 28, chapter 35, Laws of 1945 and RCW 50.04.270; amending section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300; amending section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010; amending section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160; amending section 19, chapter 3, Laws of 1971 and RCW 50.44.020; 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; amending section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040; amending section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 and RCW 50.44.060; adding new sections to chapter 35, Laws of 1945 and to chapter 50.04 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.20 RCW; adding new sections to chapter 3, Laws of 1971 and to chapter 50.44 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.98 RCW; creating a new section; repealing section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200; repealing section 26, chapter 35, Laws of 1945 and RCW 50.04.250; repealing section 27,

chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04-.260; and providing effective dates."

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 2480 was advanced to third reading, the second 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. 2480, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—39.

Voting nay: Senators Benitz, Bottiger, Guess, Hayner, Morrison, Newschwander, Wilson—7.

Excused: Senators Cunningham, Donohue, Francis—3.

ENGROSSED SENATE BILL NO. 2480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the eighth order of business.

On motion of Senator Walgren, all members, the Secretary of the Senate, Sergeant at Arms, and Lieutenant Governor Cherberg names were added to Senate Resolution 1977-31.

Senator Walgren moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-31

By Senator Sandison; President of the Senate John A. Cherberg; and Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody; Sidney R. Snyder, Secretary of the Senate; Charlie Johnson, Sergeant at Arms.

WHEREAS, Chief Will Bachofner has served the Washington State Patrol as a trooper, captain, division commander and chief since March, 1942; and

WHEREAS, Under Will Bachofner's command the Washington State Patrol has consistently been rated as one of the outstanding law enforcement agencies in the nation; and

WHEREAS, As chief of the patrol from January 15, 1964 to February 1, 1971, and from January 10, 1973 until May 1, 1977, Will Bachofner has earned the respect of the citizens of the State of Washington for his dedication to carrying out his duties and his heavy responsibilities; and

WHEREAS, Will Bachofner has made major contributions to the standards of law enforcement in Washington State by his service as a member of the Advisory Council on Criminal Justice Services, as a member of the Governor's Committee on

Law and Justice, the State Commission on Traffic Safety and other professional groups including the Washington Association of Sheriffs and Police Chiefs; and

WHEREAS, Will Bachofner has gained recognition for his contribution to sports and athletics as an official and referee in football and basketball in high school and college ranks; and

WHEREAS, He and his wife, Ramona, the parents of four children, have actively participated in community life in the localities where they have been stationed, including Everett, Yakima, Seattle and Olympia;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington extends to Will Bachofner its appreciation for his dedicated service to the citizens of the state and best wishes for an enjoyable and successful future.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably inscribed copy of this resolution to the Honorable Will Bachofner.

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, we had an opportunity yesterday to meet the new chief of the Washington state patrol. He was presented, of course, by our current chief, Will Bachofner. Today that new chief will be sworn into office, and of course, it is appropriate that we recognize in writing and by the adoption of this resolution the fine work that has been accomplished over several years by Chief Bachofner. I think this resolution adequately and appropriately represents our views in this regard, and I certainly endorse its adoption."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I want to also endorse the adoption of the resolution. It was impossible yesterday to speak, but I would not like for the occasion of Will's retirement to pass without saying to him and to the members of the Senate how much I have appreciated the fine cooperation that we have had out of Will all of these years.

"Working on the transportation and utilities committee, we have seen Will operate one of the best shops I think that has been in government, and we are certainly going to miss him."

The motion by Senator Walgren carried and the resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2029.

MOTION

At 3:05 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, April 29, 1977.

JOHN R. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 29, 1977.

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, Cunningham, Donohue, Fleming, Francis, Scott and Talley. On motion of Senator Odegaard, Senators Bottiger, Donohue, Fleming, Francis and Talley were excused. On motion of Senator Jones, Senators Cunningham and Scott were excused.

The Color Guard, consisting of Pages John Jaques and Charleen Stratton, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"WE BRING YOU SPECIAL PRAISE AND THANKS TODAY, DEAR FATHER, THAT YOU HAVE HELPED US THROUGH ANOTHER WEEK — THROUGH ITS POSITIVE ACCOMPLISHMENTS AS WELL AS THROUGH ITS FRUSTRATION; THROUGH ITS ECSTASY AS WELL AS THROUGH ITS AGONY. SINCE YOU DO HOLD US ACCOUNTABLE FOR THE WAY WE USE OUR TIME AND OUR POTENTIAL FOR SERVICE, PLEASE HELP US HONESTLY AND PERCEPTIVELY TO REVIEW WHAT WE HAVE AND HAVE NOT ACCOMPLISHED THIS PAST WEEK, AND HELP US WITH WISDOM AND ALACRITY TO PREVIEW THAT WHICH STILL NEEDS TO BE DONE IN THIS SESSION. RAISE THE LEVEL OF OUR AWARENESS, BOTH OF OUR LIMITATIONS AND OUR CAPABILITIES SO WE MAY BOTH PLAN AND IMPLEMENT WELL, LEGISLATION THAT WILL TRULY BE A CREDIT TO YOU AND YOUR NAME — AND OF OPTIMUM BENEFIT TO THE PEOPLE WE REPRESENT AND SERVE. WE DIRECT OUR PRAISE, THANKS AND PETITIONS TO YOU IN THE NAME OF JESUS. AMEN."

### MOTION

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

April 29, 1977.

ENGROSSED HOUSE BILL NO. 285, renaming Sun Lakes State Park to Victor Aloysius Meyers State Park (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Odegaard.

Passed to Committee on Rules for second reading.

April 28, 1977.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, establishing a state women's commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Referred to Committee on Ways and Means.

April 28, 1977.

REENGROSSED HOUSE BILL NO. 584, permitting the re-employment of professors beyond the statutory retirement age (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison.

Passed to Committee on Rules for second reading.

April 25, 1977.

HOUSE BILL NO. 670, restricting use of residential reserve accounts (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Herr, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

April 28, 1977.

HOUSE BILL NO. 927, exempting community college district employees working outside Washington's boundaries from higher ed personnel law (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

April 28, 1977.

SUBSTITUTE HOUSE BILL NO. 1021, allowing the personnel board 120 days to decide on appeals from disciplinary cases (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

April 28, 1977.

LEWIS BELCHER, to the position of Director of the Department of Veterans Affairs, appointed by the Governor on February 3, 1977 for the term ending at the Governor's pleasure, succeeding Donald A. Ryan (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Gould, Henry.

Passed to Committee on Rules.

April 28, 1977.

JAMES BENDER, to the position of member of the Horse Racing Commission, appointed by the Governor on February 3, 1977 for the term ending January 15, 1981, succeeding Herman Sarkowsky (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Gould, Henry.  
Passed to Committee on Rules.

April 28, 1977.

ANN McLEAN, to the position of member of the Horse Racing Commission, appointed by the Governor on February 3, 1977 for the term ending February 3, 1983, succeeding Howard S. Wright (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Gould, Henry.  
Passed to Committee on Rules.

April 28, 1977.

ROBERT H. HEGAMIN, to the position of member of the State Board of Community College Education, appointed by the Governor on March 28, 1977 for the term ending April 3, 1979, succeeding Ricardo M. Aguirre (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 28, 1977.

DR. TOMMY W. AMBROSE, to the position of member of the Council for Postsecondary Education, appointed by the Governor on March 28, 1977 for the term ending July 1, 1981, succeeding Marvin Wilbur (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 28, 1977.

HARVEY D. VERNIER, to the position of member of the State Board for Community College Education, appointed by the Governor on March 28, 1977 for the term ending April 3, 1980, succeeding Jean H. Ludwick (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

April 28, 1977.

HELEN N. RADKE, to the position of member of the State Board for Community College Education, appointed by the Governor on April 4, 1977 for the term ending April 3, 1981, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.



April 7, 1977.

S. STERLING MUNRO, to the position of member of the Board of Trustees for Central Washington State College, appointed by the Governor on March 28, 1977 for the term ending March 14, 1983, succeeding Paul E. Schaake (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

April 28, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2387, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 28, 1977.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 24,  
SECOND SUBSTITUTE HOUSE BILL NO. 63,

SUBSTITUTE HOUSE BILL NO. 120,

SUBSTITUTE HOUSE BILL NO. 149,

SUBSTITUTE HOUSE BILL NO. 249,

ENGROSSED HOUSE BILL NO. 316,

HOUSE BILL NO. 664,

SUBSTITUTE HOUSE BILL NO. 741,

ENGROSSED HOUSE BILL NO. 746,

ENGROSSED HOUSE BILL NO. 812,

ENGROSSED HOUSE BILL NO. 878,

SUBSTITUTE HOUSE BILL NO. 912,

SUBSTITUTE HOUSE BILL NO. 1190,

SUBSTITUTE HOUSE BILL NO. 1194,

SUBSTITUTE HOUSE BILL NO. 1213,

HOUSE BILL NO. 1227,

SUBSTITUTE HOUSE BILL NO. 1234,

SUBSTITUTE HOUSE BILL NO. 1278,

SUBSTITUTE HOUSE BILL NO. 1323, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 28, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 30, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 28, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2097,

SENATE BILL NO. 2258,

SUBSTITUTE SENATE BILL NO. 2431,

SENATE BILL NO. 2478, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 28, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 98, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MESSAGE FROM THE HOUSE

April 28, 1977.

Mr. President: The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3047, and the House amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Sommers, Eng and Flanagan.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 98.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2387.

#### INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 24, by Committee on Revenue (originally sponsored by Representatives Gaines, Greengo, Warnke, Valle, Leckenby, Dunlap and Sanders):

Authorizing a deduction for value of certain products added by minor final assembly from the business and occupation tax.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 63, by Committee on Appropriations (originally sponsored by Representatives Ehlers, Nelson (Gary) and Sommers):

Establishing a program of training and career development for state civil service employees.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 120, by Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Paris, Gaines, Dunlap, Bond, Fancher, Knedlik, Leckenby, Salatino and Struthers):

Establishing a business license center.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 149, by Committee on Transportation (originally sponsored by Representatives Charnley, Sherman, Patterson, Conner, Chandler, Moreau, Burns, Greengo, Hughes and Knedlik):

Authorizing cooperative efforts by the state and cities to encourage rail and bus passenger service.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 249, by Committee on Judiciary (originally sponsored by Representatives Hanna and Fischer):

Requiring participation in an alcohol program upon any drunk driving conviction.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 316, by Representatives Fortson, Adams, Pruitt, Kreidler, Lux, Pearsall, Hanna and Knedlik:

Revising licensing requirements for nursing home administrators.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 664, by Representatives Keller, Knowles, North and Enbody:

Permitting municipal courts to be established or terminated at anytime.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 741, by Committee on Revenue (originally sponsored by Representatives O'Brien, Berentson, Hurley (Margaret), Lysen, Moreau and King):

Modifying property tax exemption laws pertaining to recapture penalties, reapportionment procedures, and notification of change of use.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 746, by Representative Thompson:

Modifying terms of office of members of county legislative authorities.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 812, by Representatives Adams, Pearsall, Pruitt, Lux, Fortson, Schmitt, Gruger and Salatino:

Extending the law against discrimination as it relates to handicapped persons.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 878, by Representatives Schmitt, Heck, Boldt, Kilbury and Tilly:

Establishing and defining five commissioner PUDs and three commissioner PUDs.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 912, by Committee on Local Government (originally sponsored by Representatives Lee, North, Whiteside and Paris):

Establishing disposition procedures for unclaimed personal property.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1190, by Committee on Local Government (originally sponsored by Representatives Thompson, Valle, Sherman and Burns):

Modifying the law on the boundary review board.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1194, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Lux, Pruitt, Whiteside, Barr and Haley):

Assessing a penalty fee for late renewal of licenses for vendors of prophylactics.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1213, by Committee on Local Government (originally sponsored by Representative Bender):

Authorizing housing authorities to purchase mortgage loans.

Referred to Committee on Local Government.

HOUSE BILL NO. 1227, by Representatives Charette, Shinpoch, Williams and Taller:

Permitting vendors one hundred twenty days to file for reimbursement from the department of social and health services.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 1234**, by Committee on Higher Education (originally sponsored by Representatives Thompson and Patterson):

Making governing body of associated students at institutions of higher education subject to open public meetings act.

Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 1278**, by Committee on Local Government (originally sponsored by Representatives Whiteside, Adams, Tilly, Berentson, Newhouse, Fortson, Shipoch, Craswell, Oliver, Schmitten, Gruger, Taller, Deccio, Clayton, Gilleland, Wilson, Walk and Winsley):

Authorizing local governments to use state and local funds for senior citizen and other programs.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 1323**, by Committee on Appropriations (originally sponsored by Representatives McKibbin, Bauer, Wilson, Sommers, Clemente, Nelson (Gary), Shipoch, Blair, Hawkins, Whiteside, Schmitten, Pardini, Ehlers, Boldt, Bender, King, Sherman, Erickson, Enbody, Dunlap, Warnke, Salatino, Hughes, Haley, Heck, Gaines and Taller):

Requiring the legislative budget committee to compile and publish a report of personal service contracts.

Referred to Committee on Ways and Means.

**HOUSE CONCURRENT RESOLUTION NO. 30**, by Representatives Shinoda, Owen, Oliver, Enbody, Struthers, Nelson (Dick), Schmitten, Pruitt, Craswell, Hughes, Taller, Salatino, Walk, Grimm, Fuller, Burns, Winsley, Keller, Heck, Fancher, Pearsall, Barr, Clayton, Sanders, Grier, Knedlik, Kreidler, Vrooman, Erak and Gruger):

Proposing start of electoral and fiscal biennia in alternate years.

Referred to Committee on Ways and Means.

There being no objection, the Senate returned to the fourth order of business.

### MESSAGE FROM THE HOUSE

April 28, 1977.

Mr. President: The House has passed **ENGROSSED SENATE BILL NO. 2325**, with the following amendment:

On page 2, line 2, after "legislator." insert "In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of the office of program planning and fiscal management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of the planning and community affairs agency, the daily report shall also include the date and time such referral was made.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Wilson, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2325.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2325, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Excused: Senators Bottiger, Cunningham, Donohue, Fleming, Francis, Scott, Talley—7.

ENGROSSED SENATE BILL NO. 2325, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

April 26, 1977.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2052**, with the following amendments:

On page 2, on line 4, starting with "**NEW SECTION.**" strike all matter down to and including "located," on page 8, on line 21 and insert the following:

**"NEW SECTION.** Sec. 2. There is added to chapter 46.44 RCW a new section to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the highway commission and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes due upon the mobile home being moved have been satisfied: **PROVIDED**, That endorsement or certification by the county treasurer is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or his agent to obtain such endorsement from the county treasurer.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The state highway commission and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section.

**NEW SECTION.** Sec. 3. There is added to chapter 46.44 RCW a new section to read as follows:

(1) Upon validation of a special permit as provided in section 2 of this 1977 amendatory act, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the highway commission or local authority shall notify the assessor of the county in which the mobile home is to be located and when a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located: **PROVIDED**, That notification shall not be necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home.

NEW SECTION. Sec. 4. There is added to chapter 46.44 RCW a new section to read as follows:

Any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and who fails to comply with any of the provisions of sections 2 and 3 of this 1977 amendatory act is guilty of a misdemeanor and shall be fined not less than fifty dollars or more than one hundred dollars. In addition to the above fine, the highway commission or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the highway commission or local authority having jurisdiction. The commission or local authority after such hearing may revise its previous action.

Sec. 5. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 6, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.160 are each amended to read as follows:

Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: PROVIDED, HOWEVER, That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application: PROVIDED, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 as now or hereafter amended, pursuant to (~~RCW 46.16.105~~) section 2 of this 1977 amendatory act.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross weights as declared by applicant of:

0 .....	9,999 lbs. ....	\$0.50
10,000 .....	19,999 lbs. ....	\$1.00

20,000 .....	29,999 lbs. ....	\$1.50
30,000 .....	35,999 lbs. ....	\$2.00
36,000 .....	45,999 lbs. ....	\$2.50
46,000 .....	59,999 lbs. ....	\$3.00
60,000 .....	71,999 lbs. ....	\$4.00
72,000 .....	75,999 lbs. ....	\$6.00
76,000 .....	80,000 lbs. ....	\$8.00

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.

Sec. 6. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means ~~((all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width))~~ a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes as defined below.

"Travel trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are ~~((thirty-five feet or))~~ less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

"Commission" means the department of revenue of the state.

"Director" means the director of motor vehicles of the state.

NEW SECTION. Sec. 7. There is added to chapter 36.21 RCW a new section to read as follows:

When any mobile home first becomes subject to assessment for property taxes in this state, the county assessor is authorized to place the mobile home on the assessment rolls for purposes of tax levy up to May 31st of each year. The assessed valuation of the mobile home shall be considered as of the April 30th immediately preceding the date that the mobile home is placed on the assessment roll.

Sec. 8. Section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020 are each amended to read as follows:

The taxes assessed upon real property and mobile homes as defined in RCW 82.50.010 shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor or vendor and the grantee or purchaser of any real property(~~(, and as between the vendor and the purchaser of any real property)~~) or any such mobile home, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The lien for the property taxes assessed on a mobile home shall be terminated and absolved for the year subsequent to the year of its removal from the state, when notice is given to the county treasurer describing the mobile home, if all property taxes due at the time of removal are satisfied. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property except mobile homes as above provided from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property."

Renumber the remaining sections consecutively.

On page 1, on line 7 of the title, starting with "amending" strike all matter down to and including "RCW 82.50.530;" on line 8

On page 1, on line 9 of the title, after "RCW 84.60.020;" insert "adding a new section to chapter 36.21 RCW;"

On page 1, on line 10 of the title, strike "creating new sections;", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendments to Substitute Senate Bill No. 2052.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2052, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.



Voting nay: Senator Pullen—1.

Excused: Senators Bottiger, Cunningham, Donohue, Fleming, Francis, Scott, Talley—7.

SUBSTITUTE SENATE BILL NO. 2052, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

April 26, 1977.

Mr. President: The House has passed SENATE BILL NO. 2208, with the following amendments:

On page 1, line 16, strike "commissioners" and insert "((commissioners)) legislative authority"

On page 6, beginning on line 5, strike all of section 6

On page 1, beginning on line 6 of the title, after "RCW 15.65.210;" strike all material down to and including "17.10.050" on line 10, and insert "and amending section 19, chapter 67, Laws of 1969 and RCW 19.94.190", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Gaspard, the Senate refused to concur in the House amendments to Senate Bill No. 2208, and asks the House to recede therefrom.

### MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

### SECOND READING

SENATE JOINT RESOLUTION NO. 124, by Senators Walgren, Matson, Marsh, Sandison, Clarke, Odegaard, Jones, Bottiger, Grant, Gould, Rasmussen, North, Van Hollebeke, Buffington, Day, Cunningham, Wilson, Bluechel, Goltz, Benitz, Mardesich, Murray, Talley, Morrison, Henry, Sellar, von Reichbauer, Newschwander, Gaspard, Scott, McDermott, Wanamaker, Guess, Peterson, Herr, Beck, Lewis, Donohue, Keefe, Hayner and Washington:

Revising convening procedure and duration of legislative sessions.

The resolution was read the second time in full.

On motion of Senator Grant, the rules were suspended, Senate Joint Resolution No. 124 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. 124, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senator Monohon—1.

Excused: Senators Bottiger, Cunningham, Donohue, Fleming, Francis, Scott, Talley—7.

SENATE JOINT RESOLUTION NO. 124, having received the constitutional two-thirds majority, was declared passed.

### SECOND READING

SENATE BILL NO. 2952, by Senators Gould and McDermott:  
Implementing student learning objectives program.

### MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 2952 was substituted for Senate Bill No. 2952, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, the following amendment was adopted:

On page 2, beginning on line 36, strike all of section 3.

Renumber the remaining section.

On motion of Senator Gould, the following amendment to the title was adopted:

On page 1, line 4 of the title, after "RCW" strike "; and making an appropriation"

On motion of Senator Gould, the rules were suspended, Engrossed Substitute 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 Engrossed Substitute Senate Bill No. 2952, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Scott, Talley—6.

ENGROSSED SUBSTITUTE 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.

### SECOND READING

SENATE BILL NO. 2429, by Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request):

Revising the regulation of charitable solicitations.

The Senate resumed consideration of Senate Bill No. 2429. On April 18, 1977, all committee amendments were adopted.

Senator Clarke moved that the Senate reconsider the vote by which the following committee amendment was adopted on April 18, 1977:

On page 6, add a new subsection following subsection (6) to read as follows:

"(7) Solicitations by volunteer hospital organizations affiliated with non-profit hospitals whose budgets are subject to review by the Washington state hospital commission according to RCW 70.39 when: net proceeds of such solicitations are used solely to improve or maintain tax exempt health care services or facilities of

such institutions; the solicitation is carried on solely by persons who are unpaid for their services and inures to the benefit of, or is paid to any officer or member; and no professional fund raiser or solicitor is employed or retained for compensation in connection with such solicitations."

The motion by Senator Clarke carried. The Senate moved to reconsider the vote by which the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the committee amendment on reconsideration.

On motion of Senator Buffington, the following amendment by Senators Buffington and Francis to the committee amendment was adopted:

Amend the Judiciary Committee amendment on page 6 as follows:

On line 8, of subsection (7) added by the amendment, after "services and" insert "no part of the volunteer organizations' assets or income"

The motion by Senator Clarke carried and the committee amendment, as amended, on reconsideration, was adopted.

Senator Buffington moved adoption of the following amendment:

On page 17, line 21, insert the following new section:

"NEW SECTION. Sec. 15. There is added to chapter 19.09 RCW a new section to read as follows:

Compliance with the provisions of this chapter exempts charitable organizations from complying with any county or municipal ordinances or regulations relative to charitable organizations."

Re-number remaining sections consecutively.

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Buffington yield to a question? Senator Buffington, does this imply that the county or city where a charitable solicitation may be taking place, and particularly a law enforcement agency, may not have the information that such a solicitation is taking place?"

Senator Buffington: "I would assume so. In other words, Senator Goltz, an individual who wanted to find out whether or not a charitable solicitation — a particular organization were really a bona fide one, they would have to call the department of motor vehicles which presently handles all of the charitable solicitations records."

Debate ensued.

#### POINT OF INQUIRY

Senator Grant: "Will Senator Buffington yield? Senator Buffington, do you know of any counties or cities that have ordinances regulating charitable organizations?"

Senator Buffington: "Oh, yes. King County, for sure."

Senator Grant: "And is that ordinance, is it more restrictive than the state charitable solicitations act?"

Senator Buffington: "It is less so, Senator Grant."

Senator Grant: "If the county were to enact an ordinance, or city, either one, that was more restrictive with regard to charitable organizations, it would not be enforceable if your amendment were to pass. Is that not correct?"

Senator Buffington: "I would assume the state law would preempt over that, Senator Grant."

Senator Grant: "Well, the point is, Senator, that your amendment, as I read it, says that a local governmental unit, whether it be city or county, cannot pass an ordinance with regard to charitable solicitations that even might be more restrictive than the state requirements. If I read it correctly, that certainly is a concern. I think

that cities and counties should have the opportunity to regulate solicitations for charitable purposes within their own borders to the extent they would like to or their local governmental unit would like to."

Senator Buffington: "Senator Grant, there are large organizations such as the American Heart Association, the American Cancer Society, who fall under requirements within every county in the state of Washington, so what you are asking those people to do is to comply with not only the cities in the entire state, but also all thirty-nine counties' rules and regulations regarding several solicitations. It is really the large ones we are attempting to help out. The smaller ones who are really coming in, and they are a fly-by-night operation, are going to be monitored by the state and by those individuals who don't know for sure if it is a bona fide organization, and so they can simply make a call and find out very rapidly whether or not it is a good purpose."

#### REMARKS BY SENATOR NORTH

Senator North: "Thank you, Mr. President. Senator Grant, you have put your finger on a very interesting legal question. We have two counties in this state now with home rule charters, both King and Clallam counties, and this would make a most interesting court test to see what would happen if those two counties were to establish more restrictive legislation regulating these than what we have here, but we don't know the answer to this question because no one has had the courage to really take this to court."

#### POINT OF INQUIRY

Senator Lewis: "Mr. President, would Senator Buffington yield? Part of my question was asked by Senator Grant, let me ask it this way. If a city or county has an ordinance that is equal to or less restrictive than the state's rules on this matter, would the charitable organizations still be obliged if those ordinances exist in the city to report their activities and make the city aware of what they are doing?"

Senator Buffington: "No, that is the purpose of this amendment, to make it much easier for those organizations. After all, they are volunteers who are trying to help people who really need it."

Further debate ensued.

#### MOTION

On motion of Senator Guess, Senate Bill No. 2429, as amended, together with the pending amendment by Senator Buffington, was ordered placed on the beginning of the second reading calendar for May 2, 1977.

#### MOTION

At 10:55 p.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

#### NOON SESSION

The President called the Senate to order at 12:10 p.m.

#### MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 495 was ordered to hold its place on the second reading calendar for May 2, 1977.

## SECOND READING

SENATE BILL NO. 2327, by Senators Rasmussen, Newschwander, Mardesich, Donohue and Odegaard (by request of the Lieutenant Governor):  
Reviewing personal service contracts of the executive and judicial branches.

## REPORT OF STANDING COMMITTEE

February 10, 1977.

SENATE BILL NO. 2327, reviewing personal service contracts of the executive and judicial branches (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 1, after "contracts" strike "issued" and insert "filed"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Gould, Henry.

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 rules were suspended, Engrossed Senate Bill No. 2327 was advanced to third reading, the second 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. 2327, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Murray—1.

Excused: Senators Cunningham, Fleming, Francis, Talley—4.

ENGROSSED SENATE BILL NO. 2327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2331, by Senators Goltz, Pullen and Van Hollebeke:

Permitting certain traffic offenders to plea by mail rather than requiring appearances.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2331 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 Goltz yield, please? Senator Goltz, the language on lines 15 and 16 indicate that the court may fix a date to avoid unreasonable delay. Is that the only grounds upon which the court, as apposed to the defendant, may fix the date, that is, in order to avoid unreasonable delay? Or may the court also set the trial date to be one in which the city has all of its cases on that particular day?"

Senator Goltz: "I guess my response to that is that it seems to me that if it says that the person who is charged with a violation, in setting the date by telephone, tries to delay the time of the appearance in court unreasonably that the court could overrule the person's objection and set the date."

Senator Woody: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2331, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Murray—1.

Excused: Senators Cunningham, Fleming, Francis, Talley—4.

SENATE BILL NO. 2331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2359, by Senators Beck, Guess, Walgren, Benitz, Bottiger, Bluechel and Sellar:

Regulating bicycles.

The bill was read the second time by sections.

On motion of Senator Marsh, the following amendment by Senators Marsh, Walgren and Sandison was adopted:

On page 1, line 20, after "bicycle" and before "shall" insert "when in use during the hours of darkness as defined in RCW 46.37.020"

#### MOTIONS

On motion of Senator Odegaard, Senator Washington was excused.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2359 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: "Mr. President, Senator Beck, Senator Marsh brought out the point that these light reflectors have to be visible, I believe, within six hundred feet. Do the bicycles presently that we have, meet that requirement?"

Senator Beck: "There are no rules or regulations at all. Currently the law says 'from all distances from one hundred feet to six hundred feet,' and this expands the distance. It must be visible now from six hundred feet, and that is about a block and a half, these reflectors at night time. The low beam of an automobile coming up behind them must be able to reflect it a block and a half away."

Senator Odegaard: "My question though, is do our bicycles presently meet that requirement? Do reflectors on the bicycles today meet that requirement, or will—?"

Senator Beck: "No."

Senator Odegaard: "—people have to purchase all new reflectors?"

Senator Beck: "No. I would yield to Senator Guess. He is the bicycle expert."

Senator Guess: "The reflectors on the new bicycles, Senator, do. Some of the smaller ones which were an inch and a quarter in diameter did not meet that, so in order to comply, yes, they will need to make sure that the new reflector is on bicycles. They cost about two and a half."

Senator Odegaard: "How large would these new reflectors have to be? What diameter?"

Senator Guess: "Two inches."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2359, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, r.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Wilson, Wojahn, Woody—42.

Voting nay: Senator von Reichbauer—1.

Absent or not voting: Senators Matson, Murray—2.

Excused: Senators Cunningham, Francis, Talley, Washington—4.

ENGROSSED SENATE BILL NO. 2359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

### REPORT OF STANDING COMMITTEE

April 28, 1977.

SUBSTITUTE SENATE BILL NO. 2559, creating the governor's office of citizens' affairs (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2559 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Morrison, Newschwander, Rasmussen, Sandison, Scott, Woody.

### MOTIONS

On motion of Senator Walgren, the rules were suspended and Substitute Senate Bill No. 2559 was ordered placed on the second reading calendar for May 2, 1977.

At 12:35 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### MOTION

On motion of Senator Marsh, Senators Keefe and Woody were excused.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2527.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2527, by Committee on Transportation (originally sponsored by Senator Henry):

Defining criminal process of leased and rented motor vehicles and providing penalties.

The Senate resumed consideration of Substitute Senate Bill No. 2527. On April 28, 1977, the substitute bill was substituted for the original bill by Senator Henry and held for today's second reading calendar by Senator Mardesich.

The Secretary commenced reading an amendment by Senator Grant to page 2.

On motion of Senator Mardesich, the amendment by Senator Grant was held due to the absence on the floor of Senator Grant.

On motion of Senator Mardesich, the following amendment was adopted:

Amend the body of the act to read as follows:

On page 1, line 8, after "follows:" strike the remainder of the bill and insert:

"(1) A person is guilty of criminal possession of leased or rented machinery, equipment or a motor vehicle if he:

"(a) After renting machinery, equipment or a motor vehicle under an agreement in writing which provides for the return of said item to a particular place at a particular time, fails to return the item to said place within the time specified, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return said item within 72 hours from the time of the service of such demand, and wilfully neglects to return said item to any place of business of the lessor within five (5) full business days from the date of service of said notice; or

"(b) After leasing machinery, equipment or a motor vehicle under an agreement in writing which provides for periodic rental or lease payments for a period greater than six (6) months duration, fails to pay the lessor of said item the periodic payments when due for a period of 90 days, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return the item to any place of business of the lessor within 72 hours from the time of the service of said demand and wilfully neglects to return said item to any place of business of the lessor within five (5) full business days from the date of service of said notice.

"(2) "Wilfully neglects" as used in this section means omits, fails or forbears with a conscious purpose to injure the owner.

(3) It shall be a defense to any civil action arising out of or involving the arrest or detention of any person who rents or leases machinery, equipment or a motor vehicle that he failed to return the item to any place of business of the lessor within five (5) full business days after receiving written demand therefor.

(4) Criminal possession of leased or rented machinery, equipment or a motor vehicle is a Class C felony.

NEW SECTION. Sec. 2. RCW 9A.56.090 and section 9A.56.090 of chapter 260, Laws of 1975 1st ex. sess. are each hereby repealed."

## MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2527, as amended, will be held for further consideration following Senate Bill No. 3068.



## SECOND READING

SENATE BILL NO. 3068, by Senators Gould and Beck (by Superintendent of Public Instruction request):

Allowing school districts to start terms in August with apportionment credit therefor in succeeding school year beginning in September.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3068 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 McDermott direct himself to the bill on line 9. 'The school year shall begin on the first day of September and end with the last day of August.' There is no problem with that because if you begin in September, the next August is not until the succeeding year, but under the proviso, you could have it beginning August one and ending August thirty-one, and that is the school year. I just took a glance, I didn't have that much time to look at it."

Senator McDermott: "Would you like to ask me a question, Senator Mardesich? That is an editorial comment, but I am not sure how to respond to that. The intent of the bill is to—"

Senator Mardesich: "Senator McDermott, it would appear that it is possible under the measure as it is drafted. Since it does not name the year involved, a school year could begin on the first of August and declared to end at the end of August."

Senator McDermott: "That is certainly not the intention."

Senator Mardesich: "I suspect that what you are intending is that the school year would begin in August of one year and end in August, or in some time in the succeeding year. Is that a correct interpretation of what you intend to do?"

Senator McDermott: "Yes."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3068 and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 6; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—38.

Absent or not voting: Senators Donohue, Grant, Murray, Odegaard, Walgren, Wojahn—6.

Excused: Senators Cunningham, Francis, Keefe, Washington, Woody—5.

SENATE BILL NO. 3068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2525.

## SECOND READING

SENATE BILL NO. 2525, by Senator Henry:

Relating to transportation studies.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2525 was substituted for Senate Bill No. 2525 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2525 was advanced to third reading, the second 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. 2525 and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson—40.

Absent or not voting: Senators Donohue, Odegaard, Sandison, Walgren, Wojahn—5.

Excused: Senators Cunningham, Francis, Keefe, Woody—4.

SUBSTITUTE SENATE BILL NO. 2525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2990, by Senator Francis:

Exempting from the gambling laws antique slot machines if not used for gambling purposes.

### REPORT OF STANDING COMMITTEE

March 8, 1977.

SENATE BILL NO. 2990, exempting from the gambling laws antique slot machines if not used for gambling purposes (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21 after "On page 1, line 21 after "." strike all of the matter down to and including the "." on line 23

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

The bill was read the second time by sections.

Senator Van Hollebeke moved adoption of the committee amendment.

### POINT OF INQUIRY

Senator Pullen: "Would Senator Van Hollebeke yield to a question? If this amendment is adopted, would that mean that an antique slot machine could possibly be manufactured after January one, nineteen forty-one and still be somehow interpreted to be an antique slot machine?"

Senator Van Hollebeke: "Yes, I think so because the last paragraph reads, 'that for the purposes of this subsection a slot machine shall be conclusively presumed to be an antique slot machine if it has been manufactured prior to that time,' but it deals only with that presumption there."

Senator Pullen: "And there is no other definition in the bill of what constitutes an antique slot machine?"

Senator Van Hollebeke: "No, there is not."

The motion by Senator Van Hollebeke carried and the committee amendment was adopted.

### MOTION

On motion of Senator Marsh, Senators Donohue, Odegaard and Walgren were excused.

### POINT OF INQUIRY

Senator Henry: "Will Senator Van Hollebeke yield to a question? Would you consider the title of the bill sufficiently broad to add an amendment to put slot machines back in private clubs so we can help balance our budget?"

Senator Van Hollebeke: "Yes, it relates to gambling."

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2990 was advanced to third reading, the second 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. 2990, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent or not voting, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, McDermott, Monohon, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Wojahn—37.

Voting nay: Senators Pullen, Scott, Washington—3.

Absent or not voting: Senators Matson, Morrison—2.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Odegaard, Walgren, Woody—7.

ENGROSSED SENATE BILL NO. 2990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 3014, by Senator Bluechel:

Requiring that the governmental agency requiring a building permit to furnish the taxpayer with the proper form for claiming tax exemption on home improvements.

### REPORT OF STANDING COMMITTEE

March 31, 1977.

SENATE BILL NO. 3014, requiring that the governmental agency requiring a building permit to furnish the taxpayer with the proper form for claiming tax exemption on home improvements (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, after "revenue" and before "furnished" delete "and" and insert "((and)) which shall be"

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendment was adopted.

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 3014 was advanced to third reading, the second 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. 3014, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Cunningham, Donohue, Francis, Keefe, Walgren, Woody—6.

ENGROSSED SENATE BILL NO. 3014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3044.

#### SECOND READING

SENATE BILL NO. 3044, by Senators Sellar and Ridder:

Directing that the director of labor and industries include emergency medical care and transportation services on the fee bill relating to maximum charges payable from the medical aid fund.

#### MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 3044 was substituted for Senate Bill No. 3044, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Day: "The only question I have, Senator Sellar, is that we also have osteopathic physician assistants, and the bill as written does not apply to them. Would you yield to a question, and the question is, would you consider holding this so that we amend it, so that it would have application also to those physician's assistants which are licensed under, I believe it is 18.57A or something?"

Senator Sellar: "Certainly, Senator, I have no objection to that at all."

Senator Day: "Yes. I think that is what should happen."

#### MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 3044 was ordered held on the third reading calendar for May 2, 1977.

## MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute Senate Bill No. 2527.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2527, by Committee on Transportation (originally sponsored by Senator Henry):

Defining criminal process of leased and rented motor vehicles and providing penalties.

The Senate resumed consideration of Substitute Senate Bill No. 2527, as amended earlier today by Senator Mardesich.

## POINT OF INQUIRY

Senator Henry: "Would Senator Grant yield to a question? Would you like to withdraw your amendment or would you like to delay the procedure a few minutes?"

Senator Grant: "Well, I certainly don't want to be responsible for delaying the procedures here. We are moving quite rapidly, and I am confident we are going to be adjourning in the very near future. This measure is of major importance, of course, and I think that we should consider potential amendments to it that might relieve some problems that people have."

There being no objection, on motion of Senator Grant, the amendment to page 2, after line 18, on the desk of the Secretary of the Senate, was withdrawn.

## MOTIONS

On motion of Senator Jones, Senators Hayner and Newschwander were excused.

On motion of Senator Henry, the rules were suspended. Engrossed Substitute Senate Bill No. 2527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute Senate Bill No. 2527 was returned to second reading.

On motion of Senator Mardesich, Engrossed Substitute Senate Bill No. 2527 was ordered held for further consideration later today.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2107.

## SECOND READING

SENATE BILL NO. 2107, by Senators Sellar, Talley and Fleming:

Allowing increased occupancy of drinking establishments under state building code.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2107 was substituted for Senate Bill No. 2107, 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. 2107 was ordered held for further consideration following Senate Bill No. 2356.

### MOTIONS

On motion of Senator Jones, Senators Guess and Matson were excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2328.

### SECOND READING

SENATE BILL NO. 2328, by Senators Donohue and Guess:

Authorizing the chief of the Washington state patrol to determine proposed rates of compensation for patrol officers.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 2328 was advanced to third reading, the second 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. 2328, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Monohon, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators McDermott, Morrison—2.

Excused: Senators Cunningham, Francis, Guess, Hayner, Keefe, Matson, Newschwander, Woody—8.

SENATE BILL NO. 2328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Odegaard, Senator McDermott was excused.

### SECOND READING

SENATE BILL NO. 2356, by Senators Grant and Lewis:

Removing the prohibition against changing precinct boundaries in certain years.

### MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2356 was substituted for Senate Bill No. 2356, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Grant, the rules were suspended, Substitute Senate Bill No. 2356 was advanced to third reading, the second 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. 2356, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9. passed the Senate by the following vote: Yes, 40; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Excused: Senators Cunningham, Francis, Guess, Hayner, Keefe, Matson, McDermott, Newschwander, Woody—9.

SUBSTITUTE SENATE BILL NO. 2356, having received the constitutional majority, was declared passed. 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 resumed consideration of Substitute Senate Bill No. 2107.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2107, by Committee on State Government (originally sponsored by Senators Sellar, Talley and Fleming):

Allowing increased occupancy of drinking establishments under state building code.

The Senate resumed consideration of Substitute Senate Bill No. 2107. Senator Rasmussen had substituted Senate Bill No. 2107 earlier today.

Senator Grant moved adoption of the following amendment:

On page 2, after section 1, add a new section as follows:

"Sec. 2. 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 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as class H license, to sell beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a class H license under the provisions and limitations of this title.

(2) A class H license may also be issued to any theater, tavern, or similar facility which does not offer meals so long as live music or live performances are offered during each period the establishment is open and seating is provided for at least five hundred patrons.

(3) A class H licensee with dining facilities may operate on a particular evening without offering meals so long as live entertainment and seating are provided as in subsection (2) of this section."

Renumber the remaining section.

## POINT OF ORDER

Senator Sellar: "Mr. President, I would challenge scope and object of that amendment. The bill deals specifically with amending of the fire code while the amendment deals with an entirely new class of drinking establishment and drinking license."

## RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point of order presented by Senator Sellar, finds that Substitute Senate Bill No. 2107 is a very limited bill which amends the state building code to allow for increased occupancy of drinking and dancing establishments, whereas the proposed new section proposed by Senator Grant is essentially another bill in that it deals with the issuance of class H licenses and to such entertainment facilities that do not offer meals along with the sale of intoxicating liquors.

"Therefore, the proposed amendment does change the scope and object of the bill, and the point presented by Senator Sellar is well taken."

The amendment by Senator Grant was ruled out of order.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 2107 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. 2107, and the bill passed the Senate by the following vote: Yeas, 26; nays, 14; excused, 9.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Henry, Herr, Jones, Lewis, Marsh, Morrison, Murray, Odegaard, Peterson, Pullen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker—26.

Voting nay: Senators Bausch, Goltz, Gould, Grant, Mardesich, Monohon, North, Rasmussen, Ridder, Scott, Walgren, Washington, Wilson, Wojahn—14.

Excused: Senators Cunningham, Francis, Guess, Hayner, Keefe, Matson, McDermott, Newschwander, Woody—9.

SUBSTITUTE SENATE BILL NO. 2107, having received the constitutional 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 2:35 p.m., on motion of Senator Walgren, the Senate recessed until 3:08 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:08 p.m.

## MOTION

On motion of Senator Walgren, all House Bills remaining on today's calendar, with the exception of Engrossed House Bill 495, Engrossed Substitute House Bill No. 312 and House Bill No. 852, were ordered placed on the second reading calendar for May 5, 1977.



## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2445.

## MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

## SECOND READING

SENATE BILL NO. 2445, by Senators Wojahn, Mardesich and Donohue:  
Regulating automotive repair.

## MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2445 was substituted for Senate Bill No. 2445 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2445 was advanced to third reading, the second 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. 2445, and the bill passed the Senate by the following vote: Yeas, 35; nays, 1; absent or not voting, 5; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senator Matson—1.

Absent or not voting: Senators Fleming, Mardesich, Rasmussen, Talley, Van Hollebeke—5.

Excused: Senators Cunningham, Donohue, Francis, Guess, Hayner, Keefe, McDermott, Woody—8.

SUBSTITUTE SENATE BILL NO. 2445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2479, by Senator Day:

Allowing a monthly earned income exemption for unemployable persons under the public assistance laws.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2479 was advanced to third reading, the second 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. 2479, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 5; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Fleming, Mardesich, Newschwander, Rasmussen, Talley—5.

Excused: Senators Cunningham, Donohue, Francis, Guess, Hayner, Keefe, McDermott, Woody—8.

SENATE BILL NO. 2479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2506, by Senators Walgren, Day, Sandison and Buffington:

Redistributing moneys from the liquor revolving fund.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2506 was substituted for Senate Bill No. 2506, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2506 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. 2506, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 4; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Fleming, Mardesich, Rasmussen, Van Hollebeke—4.

Excused: Senators Cunningham, Donohue, Francis, Guess, Hayner, Keefe, McDermott, Woody—8.

SUBSTITUTE SENATE BILL NO. 2506, having received the constitutional majority, was declared passed. 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. 2619.

## SECOND READING

SENATE BILL NO. 2619, by Senators Benitz and Morrison:  
Relating to irrigation projects.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 2619 was substituted for Senate Bill No. 2619, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Benitz was adopted:

On page 5, line 8, strike "lithographic" and insert "printed, engraved or lithographed"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 2619 was advanced to third reading, the second 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. 2619, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 3; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Herr, Jones, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—38.

Absent or not voting: Senators Fleming, Henry, Washington—3.

Excused: Senators Cunningham, Donohue, Francis, Guess, Hayner, Keefe, McDermott, Woody—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2619, having received the constitutional majority, was declared passed. 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. 2667.

## SECOND READING

SENATE BILL NO. 2667, by Senators Morrison and Matson:

Providing for the continued operation of the Yakima migrant labor housing project.

## REPORT OF STANDING COMMITTEE

April 20, 1977.

SENATE BILL NO. 2667, providing for the continued operation of the Yakima migrant labor housing project (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, after "continued" insert "until December 1, 1977"

Signed by: Senators Ridder, Chairman; Matson, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

Senator Morrison moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Day: "Mr. President, will Senator Morrison yield? I want to know if this in any way alters the lengthy work and debate that Perry Woodall did on the

floor here relative to window size, height of windows, width of doors, water faucets, et cetera?"

Senator Morrison: "Senator Day, this does not because these are strictly camp sites and they are out in the open, thank goodness."

The motion by Senator Morrison carried and the committee amendment was adopted.

On motion of Senator Morrison, the rules were suspended, Engrossed Senate Bill No. 2667 was advanced to third reading, the second 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. 2667, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 5; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Bausch, Day, Fleming, Mardesich, Matson—5.

Excused: Senators Cunningham, Francis, Guess, Hayner, Keefe, McDermott, Woody—7.

ENGROSSED SENATE BILL NO. 2667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 27, 1977.

SENATE BILL NO. 2040, establishing a program to improve jails (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2040 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Grant, Jones, Morrison, Rasmussen, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

April 28, 1977.

SUBSTITUTE HOUSE BILL NO. 105, revising a definition in economic development law (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 28, 1977.

HOUSE BILL NO. 113, authorizing the establishment of foreign trade zones (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 288, changing certain terms and provisions of the civil commitment law (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Hayner, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 26, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, establishing the LEAP committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE BILL NO. 825, revising county road administration procedures relating to certificates of good practice (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

April 28, 1977.

HOUSE BILL NO. 828, authorizing civil penalties against collection agencies (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 28, 1977.

ENGROSSED HOUSE BILL NO. 838, excluding baby sitting referral services from the definition of employment agencies (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 28, 1977.

SUBSTITUTE HOUSE BILL NO. 908, establishing a select joint committee to investigate business inspections (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

April 29, 1977.

**SUBSTITUTE HOUSE BILL NO. 1258**, authorizing private improvement or completion of county roads (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

April 29, 1977.

Mr. President: The Speaker has signed **SENATE BILL NO. 2029**, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The Speaker has signed **HOUSE BILL NO. 573**, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The House has passed **REENGROSSED HOUSE BILL NO. 271**, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
**HOUSE BILL NO. 573.**

#### SIGNED BY THE PRESIDENT

The President signed:  
**SUBSTITUTE SENATE BILL NO. 2052,**  
**SENATE BILL NO. 2325.**

#### MOTION

At 3:40 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, May 2, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, May 2, 1977.

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 Fleming, Francis, Jones and Murray. On motion of Senator Odegaard, Senators Fleming and Francis were excused.

The Color Guard, consisting of Pages James Gavigan and Pamela Hawley, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"A NEW WEEK HAS COME, AND WITH IT WE RAISE OUR HOPES FOR BREAKTHROUGHS ON NOT-SO-NEW LEGISLATIVE CHALLENGES. BRING TO OUR CONSCIOUSNESS THE GRAND INVITATION OF OUR TASK — TO BE COGNIZANT OF EACH PRO AND CON PRIOR TO THE EXERCISE OF THE RIGHT TO VOTE. THIS WEEK WE PRAY FOR NEW INSIGHT INTO THE REASONS WHY OUR OPPONENTS IN LEGISLATION HAVE FORMED THEIR OPINIONS. MAKE US SO KEENLY AWARE OF THEIR THINKING THAT OURS AND THEIRS WILL MELT INTO GOOD LEGISLATION. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORT OF STANDING COMMITTEE

April 29, 1977.

SENATE BILL NO. 2697, relating to property tax limitation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2697 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Sandison, Scott, Walgren.

### MOTIONS

On motion of Senator Walgren, the rules were suspended and Senate Bill No. 2697 was advanced to second reading.

On motion of Senator Walgren, Senate Bill No. 2697 was ordered placed on the second reading calendar for May 3, 1977.

### REPORTS OF STANDING COMMITTEES

April 26, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, revising the provisions of the law of compensating victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 27, 1977.

ENGROSSED HOUSE BILL NO. 424, establishing the Washington state commission for the blind (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Gould, Herr, McDermott, North, Wojahn.

Passed to Committee on Rules for second reading.

April 28, 1977.

ENGROSSED HOUSE BILL NO. 588, modifying the filling of U. S. Senate vacancies (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Hayner, Lewis, Monohon, Pullen.

Passed to Committee on Rules for second reading.

April 28, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 593, establishing a redistricting commission (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Hayner, Lewis, Monohon, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 29, 1977.

ENGROSSED HOUSE BILL NO. 627, authorizing irrigation districts to merge existing sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

April 27, 1977.

SUBSTITUTE HOUSE BILL NO. 675, abolishing pay toilets and requiring certain places of public accommodations to have free public toilet facilities (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, McDermott, Monohon, Wojahn.

Passed to Committee on Rules for second reading.

April 29, 1977.

SUBSTITUTE HOUSE BILL NO. 678, modifying the law on theft of live-stock (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Benitz, Day.

Passed to Committee on Rules for second reading.

April 29, 1977.

SUBSTITUTE HOUSE BILL NO. 1343, adding two lay members to the state veterinary board of governors (reported by Committee on Agriculture):



MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Gaspard, Chairman; Benitz, Day, Wanamaker.  
Passed to Committee on Rules for second reading.

April 28, 1977.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 32, amending the Constitution to provide for a redistricting commission (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Grant, Chairman; Hayner, Lewis, Monohon, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

April 29, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 10,  
HOUSE BILL NO. 42,  
SUBSTITUTE HOUSE BILL NO. 74,  
SUBSTITUTE HOUSE BILL NO. 228,  
HOUSE BILL NO. 347,  
SUBSTITUTE HOUSE BILL NO. 387,  
SUBSTITUTE HOUSE BILL NO. 451,  
SUBSTITUTE HOUSE BILL NO. 634,  
SUBSTITUTE HOUSE BILL NO. 673,  
HOUSE BILL NO. 683,  
HOUSE BILL NO. 709,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 766,  
SUBSTITUTE HOUSE BILL NO. 798,  
SUBSTITUTE HOUSE BILL NO. 936,  
SUBSTITUTE HOUSE BILL NO. 952,  
HOUSE BILL NO. 1269, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The House has passed SENATE BILL NO. 3060, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 117, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 30, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 563,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 625,  
 ENGROSSED HOUSE BILL NO. 671,  
 ENGROSSED HOUSE BILL NO. 787,  
 ENGROSSED HOUSE BILL NO. 1262, and  
 ENGROSSED HOUSE BILL NO. 1291, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 2052,  
 SENATE BILL NO. 2325, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2387, and the  
 same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 10, by Representatives Fischer and  
 Hughes:

Revising law on public employees' collective bargaining.  
 Referred to Committee on Labor.

HOUSE BILL NO. 42, by Representatives Hurley (Margaret), Paris, North  
 and Lee:

Limiting the use of state parks.  
 Referred to Committee on Parks and Recreation.

SUBSTITUTE HOUSE BILL NO. 74, by Committee on State Government  
 (originally sponsored by Representatives Williams, Chandler, Ehlers, Burns and  
 Greengo):

Implementing law relating to historic preservation of sites and structures within  
 the state.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 116, by Representatives Douthwaite,  
 Becker, Conner, Barnes, Burns, Charnley, Eng, Fortson, Grier, Hughes, Moreau,  
 Nelson (Dick), North, Sherman, Walk and Wilson:

Extending the pilotage act to include waters from Port Angeles to Cape  
 Flattery.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 228, by Committee on Transportation  
 (originally sponsored by Representatives Conner, Gilleland, Charnley and  
 Berentson):

Providing for the regulation of motor vehicle towing.  
 Referred to Committee on Transportation.

REENGROSSED HOUSE BILL NO. 271, by Representatives Adams,  
 Kreidler, Fortson, Pearsall, Whiteside, Pruitt, Newhouse, Lux, May, Hanna, Haley,  
 Charnley, Fischer, Gallagher, Greengo, McCormick, Moreau and Salatino:

Adopting procedures for the establishment of transfer and clinical training pro-  
 grams at the University of Washington school of medicine for Washington residents  
 attending foreign medical schools.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 347, by Representatives Fortson, Kreidler, Whiteside, Schmitt, Adams, Lux, Pearsall, Barr, Pruitt and Fischer:

Defining the term "consultant pharmacist".

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 387, by Committee on Insurance (originally sponsored by Representatives Douthwaite and Grier):

Restricting reinsurance with insurer not authorized to insure in this state.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 451, by Committee on Transportation (originally sponsored by Representatives Kilbury and Lux):

Requiring reflectors at railroad crossings.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 625, by Committee on Financial Institutions (originally sponsored by Representatives Becker, Polk, Bauer, Gaines, Lux, Hanna, Conner, Salatino, Eng, Maxie, Keller, Kreidler, McKibben, Nelson (Gary) and Williams):

Authorizing the establishment and operation of a central credit union.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 634, by Committee on State Government (originally sponsored by Representatives Thompson and Whiteside) (by Secretary of State request):

Changing the fees charged by secretary of state for filing by corporations.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 671, by Representatives Smith, Fortson, Chandler, Charnley, Monohon, Conner, Knedlik and Douthwaite:

Listing readiness requirements for ships before pilotage.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 673, by Committee on Transportation (originally sponsored by Representatives Smith, Fortson, Chandler, Charnley, Monohon, Berentson, Wilson and Salatino):

Specifying rest time for ships' pilots.

Referred to Committee on Transportation.

HOUSE BILL NO. 683, by Representatives Douthwaite, Haley and Grier:

Modifying the insurance law on fraternal benefit societies.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 709, by Representatives Sanders, Knowles, Tilly, Enbody, Gilleland, Leckenby, Conner, Polk, Newhouse and Clayton:

Clarifying the law relating to racing on public highways.

Referred to Judiciary Committee.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 766, by Committee on Revenue (originally sponsored by Representatives Becker, Kilbury, Thompson, Sommers, Berentson, Amen, Erickson, Sherman and Charnley):

Providing relief from certain benefit assessments on farm land.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 787, by Representatives Hawkins, Lee, Thompson, Pardini and Charette:

Authorizing counties to establish personnel systems.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 798**, by Committee on Commerce (originally sponsored by Representative O'Brien):

Expanding the right to be free from discrimination.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 936**, by Committee on Local Government (originally sponsored by Representatives Owen and Patterson):

Authorizing cities and towns of less than eight thousand five hundred population to become a part of a rural county library district or intercounty rural library district.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 952**, by Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher):

Bringing state motor vehicle equipment standards into conformity with federal standards.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 1262**, by Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request):

Modifying assessments of insurance guaranty association members.

Referred to Committee on Financial Institutions and Insurance.

**HOUSE BILL NO. 1269**, by Representative Knowles:

Providing for extensions of judgments in justice courts.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 1291**, by Representatives Douthwaite and Haley:

Modifying valuation and nonforfeiture provisions for insurance contracts.

Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 30**, by Committee on Revenue (originally sponsored by Representatives O'Brien, Lux, Eng, Thompson, Douthwaite, Burns, Taller, Zimmerman, Sommers, Maxie, Berentson and Charnley):

Amending the Constitution to permit the property taxes from increased property values attributable to development or redevelopment projects to be used to support such projects.

Referred to Committee on Ways and Means.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3060.

#### MOTION

At 11:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:15 p.m.

#### NOON SESSION

The President called the Senate to order at 12:15 p.m.

#### MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTIONS

On motion of Senator Walgren, Senate Bill No. 2086 was ordered placed at the end of the second reading calendar for May 3, 1977.

On motion of Senator Walgren, Senate Bill No. 2690 was ordered placed following Senate Bill No. 2086 on the second reading calendar for May 3, 1977.

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2429.

## SECOND READING

SENATE BILL NO. 2429, by Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request):

Revising the regulation of charitable solicitations.

The Senate resumed consideration of Senate Bill No. 2429. On April 18, 1977, the committee amendments were adopted. On April 29, 1977, one committee amendment was reconsidered, amended, and adopted. On that day an amendment by Senators Buffington and Francis was adopted and an amendment by Senator Buffington was moved for adoption.

There being no objection, the amendment, on motion of Senator Buffington, was withdrawn.

On motion of Senator Buffington, the following amendment by Senators Buffington and Mardesich was adopted:

On page 17, line 21, insert the following:

"**NEW SECTION.** Sec. 14. There is added to chapter 19.09 RCW a new section to read as follows:

Compliance with the provisions of this chapter exempts charitable organizations from complying with any county or municipal ordinances or regulations relative to charitable organizations: **PROVIDED,** That a charitable organization exempt under this section shall notify local law enforcement agencies that it is registered with the state."

Renumber remaining sections consecutively.

Senator Buffington moved adoption of the following amendment:

On page 19, line 32, after "19.09.120;" strike "and", and on line 34, after "19.09.130" strike the period and insert: "; and

(3) Section 33, chapter 13, Laws of 1973, 1st ex. sess. and RCW 19.09.330."

## MOTION

On motion of Senator Walgren, Senate Bill No. 2429, as amended, was ordered placed on today's calendar following Senate Bill No 3024.

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2527, by Committee on Transportation (originally sponsored by Senator Henry):

Defining criminal process of leased and rented motor vehicles and providing penalties.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 2527. On April 28, 1977, the substitute bill was substituted for the original bill by

Senator Henry. On April 29, 1977, an amendment by Senator Mardesich beginning on page 1, line 10 was adopted. The bill was advanced to third reading by Senator Henry on that day and on motion of Senator Mardesich, Engrossed Substitute Senate Bill No. 2527 was returned to second reading.

On motion of Senator Mardesich, the Senate moved to reconsider the vote by which the amendment by Senator Mardesich was adopted on April 29, 1977.

### MOTION

On motion of Senator Sellar, Senator Jones was excused.

The President declared the question before the Senate to be adoption of the following amendment by Senator Mardesich, on reconsideration:

Amend the body of the act to read as follows:

On page 1, line 8, after "follows:" strike the remainder of the bill and insert:

"(1) A person is guilty of criminal possession of leased or rented machinery, equipment or a motor vehicle

(a) After renting machinery, equipment or a motor vehicle under an agreement in writing which provides for the return of said item to a particular place at a particular time, fails to return the item to said place within the time specified, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return said item within 72 hours from the time of the service of such demand, and wilfully neglects to return said item to any place of business of the lessor within five (5) full business days from the date of service of said notice; or

(b) After leasing machinery, equipment or a motor vehicle under an agreement in writing which provides for periodic rental or lease payments for a period greater than six (6) months duration, fails to pay the lessor of said item the periodic payments when due for a period of 90 days, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return the item to any place of business of the lessor within 72 hours from the time of the service of said demand and wilfully neglects to return said item to any place of business of the lessor within five (5) full business days from the date of service of said notice.

(2) "Wilfully neglects" as used in this section means omits, fails or forbears with a conscious purpose to injure the owner.

"(3) It shall be a defense to any civil action arising out of or involving the arrest or detention of any person who rents or leases machinery, equipment or a motor vehicle that he failed to return the item to any place of business of the lessor within five (5) full business days after receiving written demand therefor.

"(4) Criminal possession of leased or rented machinery, equipment or a motor vehicle in a Class C felony.

**NEW SECTION.** Sec. 2. RCW 9A.56.090 and section 9A.56.090 of chapter 260, Laws of 1975 1st ex. sess. are each hereby repealed."

On motion of Senator Bottiger, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the amendment to page 1, line 8 by Senator Mardesich as follows:

On the second line of subsection (1), after "motor vehicle" insert "if the value thereof exceeds \$1500 and".

On motion of Senator Mardesich, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the amendment to page 1, line 8 by Senator Mardesich as follows:

After "owner" on the last line of subsection (3) insert ", and specifically excludes the failure to return the item because of a bona fide contract dispute with the owner".

The motion by Senator Mardesich carried, and the amendment, as amended, on reconsideration was adopted.

On motion of Senator Mardesich, the following amendment to the title was adopted:

On page 1, line 1, amend the title of the act as follows:

After "motor vehicles" insert "and leased machinery and equipment".

On motion of Senator Henry, the rules were suspended, Engrossed Substitute Senate Bill No. 2527 was advanced to third reading, the second 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. 2527, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senators Grant, Van Hollebeke—2.

Absent or not voting: Senators Morrison, Murray, North—3.

Excused: Senators Fleming, Francis, Jones—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2527, having received the 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 Sellar, Senator Murray was excused.

On motion of Senator Walgren, the Senate resumed consideration of Senate Bill No. 2429.

### SECOND READING

SENATE BILL NO. 2429, by Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request):

Revising the regulation of charitable solicitations.

The Senate resumed consideration of Senate Bill No. 2429 as amended earlier today. The following amendment by Senator Buffington had been moved for adoption:

On page 19, line 32, after "19.09.120;" strike "and", and on line 34, after "19.09.130" strike the period and insert: "; and

(3) Section 33, chapter 13, Laws of 1973, 1st ex. sess. and RCW 19.09.330."

The motion of Senator Buffington carried and the amendment was adopted.

On motion of Senator Buffington, the following amendment by Senators Buffington and Mardesich to the title was adopted:

On page 1, line 28 of the title, after "19.09.130 insert "; repealing section 33, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.330"

On motion of Senator Buffington, the rules were suspended, Engrossed 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 Wilson: "Will Senator Buffington yield? Senator Buffington, with the adoption of your amendment, I take it we have prohibited any local municipality from having anything to say about the charitable solicitations conducted in this area. Is that correct, and if for example, a firm wishing to solicit had a charitable basis, had only in mind, for example, a solicitation in Spokane County, rather than conducting their solicitation on a statewide basis, would that firm likewise be able to register with the state, with or without the approval of the Spokane County authorities?"

Senator Buffington: "Senator Wilson, they would indeed register with the state. With the proviso on the second amendment that we did adopt today the department of motor vehicles would then notify Spokane and tell them that this particular organization has come into the state of Washington, asked to specifically solicit in the area of Spokane, and notify those local people so that they will know they are there. Then if there is any problem the local people call the department of motor vehicles and they will then go and take care of any problem if there is one."

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Buffington yield to another question? Senator Buffington, under the old act, we used to have a way. If somebody came knocking at the door, we could ask them for their ID card or some proof that they were actually soliciting for a worthwhile cause. I know you have taken that out, but what I don't understand is how now do I know?"

Senator Buffington: "Senator Bottiger, there was a problem with that system before because those cards were easily forged. We felt in committee that it would be much easier to try and keep track of these organizations if they were to, indeed, register and at least on an annual basis, file a financial report. You, as an individual who may be at home when someone does come knocking on your door, I guess will just have to trust the organization, and if you do have any questions I would pick up the phone and call the department of motor vehicles and ask if they really are valid and if they are registered."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2429, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Gaspard, Gould, Hayner, Henry, Herr, Keefe, Marsh, Matson, Monohon, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—30.

Voting nay: Senators Bottiger, Day, Goltz, Grant, Guess, Lewis, Mardesich, McDermott, Newschwander, Odegaard, Peterson, Talley, Wilson, Wojahn—14.

Absent or not voting: Senator Morrison—1.

Excused: Senators Fleming, Francis, Jones, Murray—4.

ENGROSSED 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

On motion of Senator Marsh, the Senate advanced to the seventh order of business.



## THIRD READING

SUBSTITUTE SENATE BILL NO. 3044, by Committee on Labor (originally sponsored by Senators Sellar and Ridder):

Regulating services and fees of physicians' assistants in support of industrial insurance recipients.

## MOTIONS

On motion of Senator Day, the rules were suspended and Substitute Senate Bill No. 3044 was returned to second reading.

On motion of Senator Day, the following amendments were considered and adopted simultaneously:

On page 1, line 11, after "of" strike "chapter 18.71A RCW" and insert "chapters 18.57A and 18.71A RCW, acting under a supervising physician"

On page 1, line 22, after "in" strike "chapter 18.71A RCW" and insert "chapters 18.57A and 18.71A RCW, acting under a supervising physician"

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3044, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Morrison—1.

Excused: Senators Fleming, Francis, Jones, Murray—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2244.

## SECOND READING

SENATE BILL NO. 2244, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Revising laws governing car dealers and salesmen.

## MOTIONS

On motion of Senator Van Hollebecke, Substitute Senate Bill No. 2244 was substituted for Senate Bill No. 2244 and the substitute bill was placed on second reading and read the second time in full.

Senator Buffington moved adoption of the following amendment by Senators Buffington and Marsh:

On page 1, after line 10, insert an additional section as follows:

"Section 1. Section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new(;) or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or

distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both."

Renumber the sections following consecutively, and correct internal references accordingly.

#### POINT OF INQUIRY

Senator Day: "Would Senator Buffington yield? Senator Buffington, it would appear to me, though, that wouldn't it be a better method if you mandated in the statute here somewhere that before the sale was final or could be finalized they would have to drive together to the nearest state patrol office and have it inspected, rather than preventing the whole operation as this does?"

Senator Buffington: "Senator Day, I am sure that would be a marvelous idea. I wonder who is going to enforce the seller of the car to take the new owner of the car down to the state patrol and have that VIN number checked to make sure that it isn't stolen."

Senator Day: "Well, it would be easy to mandate that before a sale in a flea market such as that were final, you know, and have them post it around there rather than—I think this looks to me like a terrific idea for a way to sell a car is what I am saying, and the problem that I see in it—. Let's say you go to an existing auction and you run your car through the auction trying to sell it, and whether you sell it or not you pay a commission, and it appears to me that this just takes the wrong tack on this is all."

## REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and Senator Day, I really think that this amendment does take the correct tack. What is required, it requires these operators of flea markets to register as other used car dealers do, and they will pay a B & O tax, a B & O tax on the rental of space. They are not involved in the sale of automobiles, and frankly, I think the suggestion that you made that they have to go down to the state patrol would be even more onerous than complying with this particular amendment.

"As you know, there is a fee charged by the state patrol for making those inspections, and they are not readily available, so I think this is a much superior way of going about it. It is a method that is supported very strongly by both new and used auto dealers. They want the competition to simply be on equal terms. They have got to pay B & O tax for running a used car lot or new car lot. They think it is only fair that those who rent their lots to sellers of their own cars be also required to pay a B & O tax on the rental, on the rental of the lot, not on the sale of the cars, but on the rental of the lot. I point out that this amendment does not affect home sales. You can still sell your car at home or any other place. It doesn't affect you selling your own car, but it does say if you are a dealer, if you are a person who rents lots on a regular basis for a flea market, you are going to pay a B & O tax.

"I think that is fair, and I think most people in the car business feel it is fair, and I urge your support of this particular amendment."

## POINT OF ORDER

Senator Van Hollebeke: "Mr. President, I raise the issue of scope and object on this amendment.

"Mr. President and members, the bill as it was deals with only two subjects. It changes the requirement as to what crimes are relative to—or the period of time for which crimes relative to this business must be reported or can be used as a cause for denying or suspending or revoking a license. The only other area the bill deals with is one requiring that automobile dealers set up separate trust accounts for deposits made on automobiles and mobile homes and so forth, dealing with only those two areas, whereas the amendment would bring into the licensing provisions those who are renting space to people who wish to sell their own cars, and I think this does broaden the scope of the bill."

## MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2244, together with the pending amendment by Senators Buffington and Marsh and the Point of Order raised by Senator Van Hollebeke was ordered held following consideration of Senate Bill No. 2654.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2405.

President Pro Tempore Henry assumed the Chair.

## SECOND READING

SENATE BILL NO. 2405, by Senator McDermott:

Mandating rules and regulations for voluntary transfer of students between school in same school district.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2405 was substituted for Senate Bill No. 2405 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2405 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 McDermott yield? The last statement that you made regarding transportation, Senator McDermott, I don't know how it would operate. The language is very brief as it applies to it, but for instance, where one family might be short of the two miles of the school that they are now going to, then they request transfer to another school, that then throws them into the free transportation area. Will this preclude that?"

Senator McDermott: "It won't preclude it, but it will not require the school district to go out of their way to pick the child up."

Senator Guess: "Thank you, Senator."

Debate ensued.

## POINT OF INQUIRY

Senator Clark: "Thank you. Will Senator McDermott yield? Senator, it would appear to me that if a district wanted to grant this privilege of letting a parent choose a particular school within the district that the district can adopt rules and regulations, and I think many of them do this at the present time. All I can see that this bill does is to mandate that a school district approve any such request unless they can reject it on the basis of inadequacy of classrooms in the area to which the request is made.

"Why should the district have this additional burden placed upon them?"

Senator McDermott: "There are many instances, Senator Clark, in the school system where parents become dissatisfied with the placement of their child. They have no options at the moment if the school does want to let them move their child. They can go and petition the board, but the board can reject them on any basis they choose, and I would only quote the Walla Walla superintendent who said, 'We felt that parents ought to have some options.' I think the purpose of this bill is to make it so the districts cannot just without giving a reason refuse to move a child. Parents have to have some options. If they have to pay the bill, they should have at least some say in where their children go to school.

"In Walla Walla ninety-seven percent go to their local school. In Tacoma ninety-six percent go to their local school, so it is not a big number of people we are talking about. We are talking about people who would like to have the option, and ought to be granted that option as long as they can't move just any time they want. We have made some rules. They have to make their decision by the fifteenth of May, and we felt that that was a legitimate kind of request for parents to have."

Senator Clarke: "Thank you, Senator."

Further debate ensued.

## POINT OF INQUIRY

Senator Gould: "Would Senator McDermott yield to a question? Would you consider that this bill mandates that local school districts have an open enrollment policy?"

Senator McDermott: "Yes, within the guidelines outlined in the bill. That is, people have to make application by the fifteenth of May, and as long as it doesn't disturb the desegregation policies or the classroom size of the schools, yes."

Senator Gould: "If I may further, Senator, if a district wanted to keep their high schools balanced in enrollment size, would they be able to make rules and regulations to allow this? Would there be justifiable rules for keeping schools at certain sizes, perhaps?"

Senator McDermott: "Absolutely. We talk about classrooms in the bill, and I think they have a right to say they are only going to have one section of physics in a school. They are not going to have three sections in one school and none in the other schools in order to exclude somebody who wants to come for that reason."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, members of the Senate, I notice in the bill where it says 'the board of directors of every school district'. Many of us in the rural areas have small school districts with only one high school, one grade school. I am wondering, Senator McDermott, why it is necessary for every school district to adopt rules and regulations that they wouldn't even be able to implement?"

Senator McDermott: "I think in some areas that may be a very short adoption."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator McDermott yield? Senator McDermott, I note that on line 10, part of the qualification is that 'as classroom space permits'. Could that be interpreted that classroom space might be available even though it might force a student in the school to have to go to another school? I am wondering whether the bill might not be clarified with a proviso that no student should be required to attend a school other than that closest to his home by virtue of a lack of space caused by transfers into his school. That is much of what we have been talking about, but—."

Senator McDermott: A little short proviso like that—"

Senator Mardesich: "Yes, you know, just a short one. Well, I am concerned that people coming in might force someone else who wants to go to his neighborhood school to go elsewhere. I don't think it is intended to do that."

Senator McDermott: "No, and if your question is intended to clarify that, I would say that our intention is that by May fifteenth we know how many teachers we are going to have in a school district. We also know the students who will be enrolled in a particular school. People at that point can make an application to move their child, and if there is space available after you have taken care of all the local residents, then there would be no reason to exclude them from the school, so we don't intend to push anybody out."

Further debate ensued.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended and Substitute Senate Bill No. 2405 was returned to second reading.

On motion of Senator Sellar, Senator Pullen was excused.

On motion of Senator Walgren, Substitute Senate Bill No. 2405 was placed on the second reading calendar for today following Senate Bill No. 3048.

## SECOND READING

SENATE BILL NO. 2554, by Senators Benitz, Gaspard, Wanamaker and Morrison:

Imposing a one-eighth of one percent business and occupation tax on the business of manufacturing triticale into flour.

The bill was read the second time by sections.

On motion of Senator Benitz, the following amendment by Senators Benitz and Hayner was adopted:

On page 1, line 15, after "wheat" insert ", soybeans"

On motion of Senator Benitz, the rules were suspended, Engrossed Senate Bill No. 2554 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator North: "Mr. President and members of the Senate, would Senator Benitz yield to a question? This must have quite a fiscal impact. I see we are making quite a change in the tax rate here. Could you give us a breakdown of the reduced income to the state both for triticale and for soybeans?"

Senator Benitz: "It would be virtually impossible to give it in total dollars, but the difference in the tax rate which wheat and other commodities have for milling now is one-eighth of one percent, and unless it is specifically in the law, it would be point 044 which is about four times as high, and would, of course, preclude us getting other industries into the state of Washington."

Senator North: "If I may, one more question. About how large a production are we talking about? I understand triticale is new and quite small, but soybeans is a pretty substantial industry, isn't it, in this state?"

Senator Benitz: "There were eight thousand acres of triticale in the state last year, and there will be a lot less than that this year because of the drought in Eastern Washington and some other problems, but there is a financial institution now looking at the Pacific Northwest to establish a soybean processing plant. They will require three hundred thousand acres to establish the plant, and it is fifty bushels to the acre is what will be required, and it is possible that we can get that at ten dollars a bushel. You can see a billion and a half dollar industry that may arrive in the Pacific Northwest. I would like to do everything possible to give us the best chance of getting that industry in the state of Washington."

## POINT OF INQUIRY

Senator Goltz: "Will Senator Benitz yield to a question? It is my impression from reading your amendment in the context of the bill that only the soybeans which are ground into flour would be given this preferential B & O tax rate. It would not affect other processing of soybeans. Is that not correct?"

Senator Benitz: "The total value of the product that is processed. It is a kind of a wholesale processing tax. Total value of that would be taxed. If it is meal or if it is oil, they would pay the processing tax at the rate that is the same as wheat into flour. It is total, it is on any product that would come out of that. For processing."

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Day yield to another question? Senator Day, I read in the paper the other day that one of the bakeries was using a fibrous product as a substitute for grain. Coming from an area where fibrous wood products

are manufactured, I am wondering what our B & O tax rate is if you make trees into flour."

Senator Day: "Well, I will tell you what. Instead of the health department sending people up to the agriculture committee to speak against a bill that would properly label dairy products, for coffee creaming for example, and make them properly label other things that were used in substitutes, this is a good case in point because I understand some of those wood products that were being used were not exactly too digestible, and were creating some problems, and there are some restrictions that are going to be placed on them, and that is totally commensurate with my thinking."

#### MOTION

On motion of Senator Odegaard, Senators Grant and Ridder were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2554, and the bill passed the Senate by the following vote: Yeas, 35; nays, 6; absent or not voting, 1; excused, 7.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—35.

Voting nay: Senators Bausch, Bottiger, McDermott, North, Scott, Van Hollebeke—6.

Absent or not voting: Senator Beck—1.

Excused: Senators Fleming, Francis, Grant, Jones, Murray, Pullen, Ridder—7.

ENGROSSED SENATE BILL NO. 2554, having received the constitutional majority, was declared passed. 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 Engrossed Substitute House Bill No. 312.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, by Committee on Higher Education (originally sponsored by Representatives Erickson, Chandler and Thompson):

Charging tuition and fees at state institutions of higher education based on portion of educational costs incurred.

#### REPORT OF STANDING COMMITTEE

April 16, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, charging tuition and fees at state institutions of higher education based on portion of educational costs incurred (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:



"Section 1. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100 are each amended to read as follows:

The board of regents and board of trustees at each of the state(~~s~~) colleges, community colleges, and universities shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, or services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for quarters or semesters other than summer session shall be in at least the amounts for the respective institutions as otherwise set forth in ((RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500)) this chapter, as now or hereafter amended(~~(: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be consistent with RCW 28B.15.500 as now or hereafter amended)~~).

**NEW SECTION.** Sec. 2. General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of tuition and operating fees shall be twenty-five percent of educational costs computed as provided in sections 5 and 6 of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged shall not exceed thirty-nine dollars per quarter at the University of Washington and fifty-eight dollars and fifty cents per semester at Washington State University. The services and activities fees charged such students shall be set by the boards of regents of the respective institutions and shall not exceed twenty-five percent of the tuition and operating fees set for such students.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of tuition and operating fees shall be one hundred and fifteen percent of the tuition and operating fees charged to resident undergraduate students: PROVIDED, That the amount of general tuition fees and services and activities fees charged such students shall not exceed that charged undergraduate resident students.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of tuition and operating fees shall be one hundred and sixty percent of the tuition and operating fees paid by resident undergraduate students: PROVIDED, That the amount of general tuition fees charged shall not exceed one hundred eleven dollars per quarter at the University of Washington and one hundred sixty-six dollars and fifty cents per semester at Washington State University. The services and activities fees charged such students shall not exceed that charged undergraduate resident students.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total of tuition and operating fees shall be ninety percent of educational costs computed as provided in sections 5 and 6 of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged such students shall not exceed one hundred fifteen dollars per quarter at the University of Washington and one hundred seventy-two dollars and fifty cents per semester at Washington

State University. The services and activities fees charged such students shall equal that charged undergraduate resident students.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of tuition and operating fees shall be one hundred and fifteen percent of the tuition and operating fees paid by nonresident undergraduate students: PROVIDED, That the amount of general tuition fees and services and activities fees charged such students shall not exceed that charged undergraduate nonresident students.

(6) For full time nonresident graduate students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of tuition and operating fees shall be one hundred and sixty percent of the tuition and operating fees paid by nonresident undergraduate students: PROVIDED, That the amount of general tuition fees charged such students shall not exceed one hundred eighty-one dollars per quarter at the University of Washington and two hundred seventy-one dollars and fifty cents per semester at Washington State University. The services and activities fees charged such students shall not exceed that charged undergraduate resident students.

NEW SECTION. Sec. 3. General tuition fees, operating fees, and services and activities fees at state colleges for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total of tuition and operating fees shall be eighty percent of the total of tuition and operating fees as computed for the purposes of section 2(1) of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged shall not exceed twenty-five dollars per quarter. The services and activities fees for such students shall be set by the boards of trustees of each such institution and shall not exceed forty percent of the tuition and operating fees set for such students.

(2) For full time resident graduate students, the total of tuition and operating fees shall be one hundred and fifteen percent of the tuition and operating fees charged to resident undergraduate students: PROVIDED, That the amount of general tuition fees and services and activities fees charged such students shall not exceed that charged undergraduate resident students.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total of tuition and operating fees shall be eighty percent of the total of tuition and operating fees as computed for the purposes of section 2(4) of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged such students shall not exceed ninety-six dollars per quarter. The services and activities fees charged such students shall equal that charged undergraduate resident students.

(4) For full time nonresident graduate students, the total of tuition and operating fees shall be one hundred and fifteen percent of the tuition and operating fees paid by nonresident undergraduate students: PROVIDED, That the amount of general tuition fees and services and activities fees charged such students shall not exceed that charged undergraduate nonresident students.

Sec. 4. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees charged students registered at each community college other than at summer quarters shall be as follows:

(1) (~~Full time resident students:~~

(a) ~~General tuition fee, forty-one dollars and fifty cents per quarter;~~

~~(b) Operating fees, twenty-seven dollars per quarter; and~~

~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.~~

~~(2) Full time nonresident students:~~

~~(a) General tuition fee, one hundred thirty-one dollars and fifty cents per quarter;~~

~~(b) Operating fees, eighty-one dollars per quarter; and~~

~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.))~~

For full time resident students, the total of tuition and operating fees shall be fifty percent of the total of tuition and operating fees computed for the purposes of section 2(1) of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged shall not exceed forty-one dollars and fifty cents per quarter. The services and activities fees set by the trustees at such institutions may not exceed twenty percent of the total tuition and operating fees set for such students.

(2) For full time nonresident students, the total of tuition and operating fees shall be fifty percent of the total of tuition and operating fees computed for the purposes of section 2(4) of this 1977 amendatory act: PROVIDED, That the amount of general tuition fees charged such students shall not exceed one hundred thirty-one dollars and fifty cents per quarter. The services and activities fees charged such students shall equal that charged resident students.

(3) Tuition, operating fees and services and activities fees ((consistent with the above schedule will)) shall be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 5. Tuition and operating fees shall be established and adjusted biennially under the provisions of this chapter beginning with the 1977-79 biennium. The budgeted level, including the funding and enrollment amounts, of the 1975-77 biennium, shall be utilized in the 1977-79 biennium adjustment. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at any state college and for students enrolled at any community college. The tuition and operating fees shall reflect proportional educational costs of the state universities in the amounts herein prescribed. For the purposes of this chapter, educational costs shall include, but not be limited to, the costs of instruction, library services, student services, administration, and plant maintenance and operation: PROVIDED, That educational costs shall not include the following: Direct and indirect costs of research and public service activities, self-sustaining activities, capital amortization costs, summer programs, intercollegiate athletics, auxiliary enterprises, financial aid grants, and student activity programs financed from services and activities fees.

NEW SECTION. Sec. 6. Undergraduate resident fees for each ensuing biennium based on educational costs shall be calculated on the basis of the state universities' budgeted levels for the current biennium then in effect through application of criteria, definitions and procedures derived from the most recent council for postsecondary education cost analysis. The budgeted levels shall be the funding and enrollment amounts used in the budget on which original appropriations for the current biennium were based as adjusted by subsequent legislative and executive action prior to July 1st of each even-numbered year. The cost of educational services as set forth in section 5 of this 1977 amendatory act shall be determined for undergraduate students in accordance with criteria, definitions, and procedures adopted by the council

for postsecondary education and approved by the office of program planning and fiscal management. In subsequent even-numbered years, modifications of such criteria, definitions and procedures must be approved prior to July 1st of that year or the previously approved criteria, definitions and procedures will remain in effect.

NEW SECTION. Sec. 7. The council for postsecondary education shall transmit amounts constituting approved educational cost to the several boards of regents and trustees of the state institutions of higher education and the state board for community college education at the earliest possible time. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter. The council, in carrying out its responsibilities as directed by RCW 28B.10.806, shall take into account increases in tuition and fees authorized by this 1977 amendatory act.

Sec. 8. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Members of the staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington. (4) Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 9. Section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620 are each amended to read as follows:

(1) The tuition and operating fees charged to veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be ((exempted from the payment of any increase in tuition and fees as are imposed by this 1971 amendatory act and shall not be required to pay more than the total amount of tuition and fees in effect on March 29, 1971)), for the 1977-79 biennium and for each biennium thereafter adjusted at the same dollar amount as are the tuition and operating fees of resident undergraduate students: PROVIDED ((FURTHER)), That for the purposes of this ((exemption)) section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on ((such date as shall thereafter be determined by duly adopted concurrent resolution of the legislature of this state or by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Vietnam)) May 7, 1975 and who qualify as a resident student under RCW 28B.15.012.

(2) The provisions of this section shall be null and void and of no effect after July 1, 1981.

Sec. 10. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 3, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The boards of trustees may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 11. For the period commencing August 1, 1977, and ending July 31, 1981, those students enrolled in undergraduate programs at Washington state colleges and universities who are residents of the Canadian province of British Columbia, shall pay the same amount of tuition, operating, and services and activities fees charged Washington resident students enrolled in the same programs: PROVIDED, That if a different tuition and fee schedule shall be charged Washington state students attending institutions of higher education located in the Canadian province of British Columbia than for resident students thereof, the provisions of this section shall cease to be in effect at the end of the fiscal year in which the different tuition and fee schedule is so charged.

The council for postsecondary education shall review the costs of such pilot program and make recommendations to the legislative session, commencing January, 1981, on the possible continuation of this experimental program. Following such review, the legislature shall make the determination to extend or terminate the program.

NEW SECTION. Sec. 12. Notwithstanding any other section of this 1977 amendatory act, the boards of regents and trustees of the respective institutions of higher education shall set aside from tuition and fees charged an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied.

NEW SECTION. Sec. 13. The following acts or parts of acts are hereby repealed:

(1) 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;

(2) 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;

(3) 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; and

(4) Section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630.

NEW SECTION. Sec. 14. Sections 2 and 3, 5 through 7 and 11 of this 1977 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

NEW SECTION. Sec. 15. If any provision of this 1977 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. 16. This 1977 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 line 2 of the title after "education;" strike the remainder of the title and insert "amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380; amending section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; amending section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 3, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.40.361; setting forth new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; 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 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630; providing for the expiration of a certain section hereof; and declaring an emergency."

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Guess, Sandison, Scott.

The bill was read the second time by sections.

#### MOTIONS

On motion of Senator Marsh, Senator Bottiger was excused.

On motion of Senator Sandison, Senator Rasmussen was excused.

Senator Odegaard moved adoption of the committee amendment.

On motion of Senator Odegaard, the following amendment to the committee was adopted:

On page 5, line 40, after "fees" strike "~~"((consistent with the above schedule will)) shall"~~ and insert "consistent with the above schedule will"

On motion of Senator Odegaard, the following amendments by Senators Odegaard and Donohue to the committee amendment were adopted:

On page 8, line 11, strike all of Section 9.

Renumber the remaining sections consecutively.

On page 10, line 26, after "28B.15.400;" strike "and" and add a new subsection (4) as follows:

"(4) Section 22, chapter 279, Laws of 1971 ex. sess., section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; and"

Renumber remaining subsection consecutively.

The motion by Senator Odegaard carried and the committee amendment, as amended, is as adopted.

Senator Odegaard moved adoption of the committee amendment to the title.

On motion of Senator Odegaard, the following amendments to the committee amendment title were adopted:

On page 11, line 15 of the title, beginning with "amending" strike all the material down to and including "RCW 28B.15.620;" on line 17.

On page 11, line 34 of the title, after "28B.15.400;" insert "repealing section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620:"

The motion by Senator Odegaard carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute House Bill No. 312, 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. 312, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 11; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Scott, Sellar, Van Hollebeke, Wanamaker, Wilson, Woody—30.

Voting nay: Senators Gaspard, Goltz, Keefe, McDermott, Monohon, Sandison, Talley, von Reichbauer, Walgren, Washington, Wojahn—11.

Excused: Senators Bottiger, Fleming, Francis, Grant, Murray, Pullen, Rasmussen, Ridder—8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, as amended by the Senate, having received the constitutional majority, was declared passed. 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 resumed consideration of Senate Bill No. 2244.

President Cherberg assumed the Chair.

### SECOND READING

SENATE BILL NO. 2244, by Senators Henry, Guess and Beck (by Department of Motor Vehicles request):

Revising laws governing car dealers and salesmen.

The Senate resumed consideration of Senate Bill No. 2244. Earlier today, Senator Buffington had moved adoption of an amendment by Senators Buffington and Marsh beginning on page 1, after line 10. Senator Van Hollebeke had raised a Point of Order on the amendment.

### RULING BY THE PRESIDENT

President Cherberg: "The President finds that Senate Bill 2244 is a measure that simply revises the laws governing car dealers and salesmen, establishes standards and regulations, and also providing certain penalties for infractions. The amendment proposed by Senator Buffington and Senator Marsh requires a dealer operating a listing service to also be covered by the laws governing regular car dealers and salesmen and thus providing additional protection for the consumer. Therefore the amendment does not change the scope and object, and the point of order is not well taken."

The amendment by Senators Buffington and Marsh was ruled in order.

Debate ensued.

The motion by Senator Buffington failed and the amendment by Senators Buffington and Marsh was not adopted on a rising vote.

There being no objection, on motion of Senator Buffington, the amendments to page 2, line 32 and page 12, following line 32, on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2244 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 Van Hollebeke yield? Senator Van Hollebeke, on page 1, beginning at line 25 and on, and I think on page 4 in the middle, there is some provision there changed that says the applicant must show instead of that he was convicted of a crime within the preceding five years involving fraud and misrepresentation or conversion, that language is stricken out and rather it is put in, 'adjudged guilty of a crime which directly relates to the business for which the license is sought.' Well, one of the things that a dealer does is handle money. What difference does it make if he is an embezzler from a bank and got convicted of that within the last ten years, and he is an embezzler now when he is intending to deal with cars?"

Senator Van Hollebeke: "Well, you probably have a valid point, Senator."

Senator Woody: "Perhaps I should just ask you why this change? What was said in committee for the necessity of this change?"

Senator Van Hollebeke: "I think I recall something to the effect that the ten year—well, you are not referring to that ten year part, but that brought it into line with some other statutes, but I don't know why the difference in wording. Let's see, the original wording—just one moment."

Senator Woody: "That was the original wording in the prior—"

Senator Van Hollebeke: "Yes—involved fraud, misrepresentation or conversion, and now it has to relate directly to the car—if you would like to put it back on second reading and offer an oral amendment, perhaps leaving in the 'ten years' and the 'adjudged guilty', which would be fine—"

Senator Woody: "Before I do that, perhaps I could address this question to the prime sponsor, Senator Henry, since I don't want to suggest an amendment if there was a good reason for this change."

Senator Henry: "I don't know what they did to it in committee because it was not in my committee. The prime purpose of this bill is to protect the buyer who puts down a down payment and then has the man go out of business, take bankruptcy or something, and not being able to get immediate access to his funds. I don't think if a man is an embezzler from a bank or whatever, it wouldn't make any difference because the funds in this particular case would be in a trust fund. That is the purpose of the law."

Senator Woody: "Senator Henry, that was in the original bill that you were the prime sponsor on, this same language. I am also wondering, 'adjudged guilty of a crime which directly relates to the business for which the license is sought'. Well, as a salesman, of course, you have to do three things. You sell cars, you take their money and you drive them around. What if he has been convicted of the crime of speeding or driving while under the influence or negligent driving?"

"Is that going to prevent him from obtaining a license under this act?"

Senator Henry: "The answer is 'no', and I think that if he is an embezzler from a bank, he may have used that money to get into business with, in this particular business, and that he is going to have to put the money in a trust fund so he doesn't have any particular problems."



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2244, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Gaspard—1.

Excused: Senators Bottiger, Fleming, Francis, Grant, Murray, Pullen—6.

SUBSTITUTE SENATE BILL NO. 2244, having received the 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, Senator Cunningham was excused.

On motion of Senator Odegaard, Senator McDermott was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2675.

## SECOND READING

SENATE BILL NO. 2675, by Senators Francis and Clarke:

Modifying the penalty for the taking of certain merchandise.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate 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 Wojahn: "Would Senator Clarke yield to a question? Senator Clarke, I notice on page 2, on line 3, it says that judgments but not claims may be assigned. In other words, you are permitting a collection agency to enter into this. Is that correct?"

Senator Clarke: "Senator, it is much worse to allow claims to be assigned. This takes that out and in reality restricts the assignment of those things to collection agencies because they may be assigned only after the judgment is actually entered."

Senator Wojahn: "But, one more question. Normally, this would normally arise in small claims court, is that not correct, this type of an action?"

Senator Clarke: "Well, I think it would depend upon the amount. This goes up to a thousand dollars which would be above the small claims situation."

Senator Wojahn: "If it were two hundred, and I thought I read here two hundred, one to two hundred dollars."

Senator Clarke: "That is the additional penalty over and above the cost of the goods or other damages, so I can conceive of a situation where it would be brought in small claims court, but I think the majority of them would not."

Senator Wojahn: "Would there be a problem with this if the bill were brought in small claims court which does not permit an assignment, if it were under these, if it were between one and two hundred dollars?"

Senator Clarke: "There could be a question as to whether this as a later enactment would supplant the prevention against assignment in small claims court. I

would assume however, that a court would rule that this was meant to relate to general type claims, and that where that is a specific would overrule a general, and whereas the small claims only there is a prohibition against assignment, I would expect the court to rule that the small claims law would prevail."

Senator Wojahn: "Thank you."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, Senator Wojahn, to further clarify that, by an act we passed, I think, two years ago, any judgment rendered in small claims court, if not paid within fifteen days automatically is registered on the district court judgments docket, and that judgment even under this act, could thereafter be assigned. In subsection three on page two, where you asked the question, the problem with the prior language, it had double negatives. It said the same thing as the current, what we have proposed to be current law, but it used double negatives. I don't know how we ever permitted the double negatives to pass this legislature."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2675, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Grant, McDermott, Murray, Pullen—8.

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 Walgren, the Senate commenced consideration of Senate Bill No. 2731.

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#### SECOND READING

SENATE BILL NO. 2731, by Senators Ridder, Morrison and Grant:

Providing for designation of specialty plumbers and revising other laws on plumbing.

#### MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2731 was substituted for Senate Bill No. 2731 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the following amendment was adopted:

On page 3, line 28, after "the" strike "coordinating council on occupational education" and insert "commission for vocational education or its designee"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 2731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Day: "Mr. President, will Senator Ridder yield to a question? I notice there is no grandfather clause for specialty plumbers. When this bill went through the legislature before I put an exemption in there for people who hook up, for example, soft water systems. Would they be classified as a specialty plumber under this bill?"

Senator Ridder: "I am sorry, Senator Day, I wasn't present for the testimony. Perhaps Senator Van Hollebeke would be able to tell us if there was any discussion of that in the commerce committee when it was heard."

## POINT OF INQUIRY

Senator Day: I will repeat the question, Senator Van Hollebeke. When the bill passed before here, we exempted people who hook up soft water units in houses. In other words, this was a situation where the plumbing is in and they go in and just merely cut into the lines and hook up a unit that makes a part or all of your water soft, and they were exempted before. I note that the grandfather clause does not exempt specialty plumbers. Are they classified now as a specialty plumber, and would that mean they could not hook up soft water units?"

Senator Van Hollebeke: "I am not sure what the answer—the question did come up, as I recall, and I do think I recall some concern being expressed over it, and that they should not be included but I don't recall anything being done to the bill to change that. I think they are included—I believe they are included."

Senator Day: "You believe they are excluded."

Senator Van Hollebeke: "They are included. Without being excluded, they are included."

## MOTION

Senator Day moved that Engrossed Substitute Senate Bill No. 2731 be placed on the third reading calendar for May 3, 1977.

Debate ensued.

## POINT OF INQUIRY

Senator Washington: "Senator Ridder, the specialty plumbing designation of three years, does that in some ways liberalize the licensing of plumbers? At the present time they all have to have four years experience, is that the system now?"

Senator Ridder: "I am sorry, again I must defer to the chairman who keeps getting caught on the telephone."

## POINT OF INQUIRY

Senator Washington: "Did you hear the question, Senator Van Hollebeke? As I understand it, at the present time the journeyman plumber needs four years of practical experience. At the present time do we have a designation of any type of a plumber who can get a license with only three years experience?"

(No reply)

Senator Morrison: "Senator Washington, perhaps I can help again. Currently, you are either a journeyman plumber or you are working as an apprentice, and those are the only two groups that are recognized by the state as being able to do any type of plumbing work under our existing law. This creates a new category of specialty plumber, provides that they have to have three years of practical experience not working under a journeyman at all. A journeyman now has to have four years working under another journeyman before he can be licensed."

"In effect, this entire bill, and many of you have come to me wondering why, number one, I would sponsor it, and what this really does. It does open up the plumbing profession. By recognizing the fact that for limited work in most residences up to three stories high, there is now the use of plastic pipes, and we get away from all the requirements that journeyman plumbers have had to have in the past. So this is a recognition by both the business community and the unions involved that now we do need more plumbers. We need plumbers that specialize in this sort of work. The passage of this bill should mean that more plumbers are available at a lower cost to most consumers across the state."

Senator Washington: "Thank you."

There being no objection, on motion of Senator Day, the motion to hold Engrossed Substitute Senate Bill No. 2731 for third reading on May 3, 1977 was withdrawn.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2731, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Grant, McDermott, Murray, Pullen—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2811, by Senator McDermott:  
Relating to education.

### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 2811 was substituted for Senate Bill No. 2811 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 2811 was advanced to third reading, the second 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. 2811, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Benitz, Rasmussen—2.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Grant, McDermott, Murray, Pullen—8.

SUBSTITUTE SENATE BILL NO. 2811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2839, by Senators Marsh, Henry and Talley:

Exempting certain transmission and reception property of nonprofit corporations from property taxation.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2839 was advanced to third reading, the second 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. 2839, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Grant, McDermott, Murray, Pullen—8.

SENATE BILL NO. 2839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 3010, by Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request):

Making an appropriation to the tort claims revolving fund.

### MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3010 was substituted for Senate Bill No. 3010 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 3010 was advanced to third reading, the second 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. 3010, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard,

Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bottiger, Cunningham, Fleming, Francis, Grant, McDermott, Murray, Pullen—8.

**SUBSTITUTE SENATE BILL NO. 3010**, having received the constitutional majority, was declared passed. 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 Bausch:

Permitting proceeds from port district revenue bonds to be used for funding reserve accounts.

## MOTION

On motion of Senator Bluechel, Substitute Senate Bill No. 3028 was substituted for Senate Bill No. 3028 and the substitute bill was placed on second reading and read the second time in full.

## POINT OF INQUIRY

Senator Mardesich: "Before we advance this measure, I wonder if Senator Bluechel would answer a question? Senator Bluechel, as I understand revenue bonds, they are bonds which are predicated upon the income from the lease of the development which has been provided for under the revenue bonds, and that is all it is supposed to do. Now, what company would want to lease the building and provide for the payment of—there is supposed to be another word—the funds for the guarantee of the revenue which the bonds raise, and that is usually the rental of the property."

Senator Bluechel: "Or other income, or whatever it is they are raising it for, but revenue bonds are used by local government for a wide variety of areas. In this particular case, the original bill started out talking about revenue bonds for port district improvements."

Senator Mardesich: "What I am asking, though, is would the lessee—let's say that you—port districts or anyone, builds a building for someone. Under the law today, as I understand it, the income is supposed to support the bonds."

Senator Bluechel: "That is correct."

Senator Mardesich: "What company would want to lease with all of the additional factors that are thrown in by this bill, replacements and so on and so forth?"

Senator Bluechel: "O.K., maybe I had better explain the bill then before we bump it, but what this is, is an optional tool for local government, and it is designed to work as reserve funds work in private industry, which are used all the time."

"Under present law with the exception of one entity in the state, you cannot issue revenue bonds to cover reserve accounts, but in private industry it has been found to be very advantageous, and let me give you the example here. Under this bill you could issue revenue bonds to cover the reserve account of three types of reserves. One would be contingency reserves, one would be an operating reserve and one would be a betterment reserve. Now, this would mean that if you had a thirty year bond issue and the normal practice would be to issue thirty—one years of bonds to pay back the principal and interest. What is done and what would be done in a case like this is that you would take these additional years interest and you would place them in government securities which generate a substantial rate of interest, sometimes as much as one or two percent more than the interest that you are paying on the revenue bonds."

"Over the period of the thirty years, you apply this additional return which is gained from the reserve account back to reduce the principal and interest on the revenue bonds as you pay them off. This was recommended by a bond counsel. At the present time Metro is the only one that has this particular capability, and in the last ten years they said that they had reduced the cost of principal and interest on their revenue bonds by approximately two million dollars. They recommended that we pass this bill about a month ago, prior to the issuance of revenue bonds by the Port of Tacoma. They stated, the bond counsel stated that with this ability, which is an optional ability, the Port of Tacoma would have saved over five hundred thousand dollars alone in its one issue that was, that it floated about a month ago.

"That is the reason for the bill, and the bill does allow for the additional one year in the length of the bonds which then goes into a reserve account which is then invested, and invested in government bonds at usually one to two percent higher. This is a common practice used. According to bond counsel, a common practice used in private business all the time, and a very useful tool for government because it actually reduces the cost of the revenue bonds."

#### POINT OF INQUIRY

Senator Woody: "Mr. President, would Senator Bluechel yield to a further question? Senator Bluechel, I can understand the situation in which the Port of Tacoma or any other port which is having a healthy economy and a fiscal situation which is not in trouble, but due to the variations of income and expenses, they may well want to use this technique, but what about the political subdivision that is in trouble, and I hate to use New York City all the time as an example, but one that just sort of got out on a limb, used our HCR 52 type funding too often, and in order to rescue themselves, again are bargaining away the immediate future's revenue by floating some more bonds to pay the debt service? Can't we find that occurring?"

Senator Bluechel: "All right, according to bond counsel, and their explanation of this is that the reason you fund a reserve account is so that if the income in any project that is being started up is slow in the first few years, under normal circumstances, without a reserve account what you do is you have to take the principal and interest out of the operating funds. Consequently, you short yourself, and as any banker will tell you, when you go to borrow you borrow enough so you don't short yourself because that is where the biggest weakness comes in to any business, and that is where the most potential failure takes place."

"This goes, as an example, one year over. You are only floating an additional year on a normal bond length, but you have the ability then to, if you have an emergency, you have the ability to pick it up. Otherwise, your pay-back comes out of your operating revenues all the time. That is the normal pay-back on revenue bonds, anyway. This gives you a bit of flexibility and a bit of leeway, and to again, all I can quote is the bond counsel, and the bond counsel strongly recommends that this was a very useful, optional fiscal tool, that was a conservative fiscal tool."

Senator Woody: "Thank you. Mr. President and members of the Senate, again I, with the answer that was given to me, apparently bond counsel, of course, is giving the answers as to when this is good fiscal management, but I am thinking about the New York City syndrome where things just get in worse shape and worse shape, and they begin borrowing from future revenues, pay with future revenues, and they use today's bonds to do it. Ultimately, they get in trouble. I don't think any little political subdivision in the state of Washington is going to have much calls with President Carter asking to be bailed out, such as New York did, but this is the same thing that could occur. One year, I don't know if that is elsewhere in the statute, but assuming that one year limitation is so, and there is tomorrow and tomorrow and tomorrow. Each year you do the same thing, float another bond. I am a little bit concerned, not for the good aspects of it, but rather for the bad aspects. When a

political subdivision gets in this trap for the lack of money to pay their debt service or any of the other contingencies, they begin to float bond after bond on future revenues, and at the same time that they are doing this, tying up their future revenues, they have their local employees bargaining and negotiating with them for pay increases."

Senator Bluechel: Senator Woody, to clear up a point you made there, this is not intended to be bond after bond after bond. This is intended to be when the original revenue bonds are floated enough additional bonds are issued, a one year basis is what the bond counsel told us, to provide a reserve account. Now, under normal operating business, in practically every company that, major corporation that exists, they use reserve accounts specifically for this purpose. We are not talking in this issue here of issuing new revenue bonds. We are talking about one issue at one time and during that time enough additional bonds are issued to fund the reserve account. There is no additional funding that is being talked about in this bill."

Senator Woody: "Mr. President, Senator Bluechel, I see your analysis when you say 'may include in the amount of such issue funds for the purpose'. Would I be correct in saying if an entity wanted thirty million dollars for a particular project that they might ask for an additional million or two just in case they weren't right about the original, those are the contingencies?"

Senator Bluechel: "No, the bond counsel, in explaining this to us, said when they are looking for, say, thirty million dollars, they might ask for the principal and interest for one year, and that would provide a more secure, not a less secure, but a more secure operation. It is the same thing as when if you are in private industry, you go to the bank, they say, 'Make sure you borrow enough for contingencies when you make a loan, you don't come in short,' and that is what we are talking about is that you take the principal and interest for one additional year and you put that into the original bonds, then the bond counsel makes their appraisal as to the saleability of them."

## MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3028 was ordered held on the second reading calendar for May 3, 1977.

On motion of Senator Walgren, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 27, 1977.

SENATE BILL NO. 3015, providing for a liquefied natural gas hazards management study (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE BILL NO. 49, changing the term "workman" to "worker" throughout the state industrial insurance laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.



April 29, 1977.

ENGROSSED HOUSE BILL NO. 553, exempting certain theatre employees from the law establishing a minimum overtime wage (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE BILL NO. 694, authorizing the state patrol to dispose of certain real property (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE BILL NO. 779, authorizing group filing for certain labor liens (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE BILL NO. 1229, revising laws relating to boiler inspection (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Matson, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE JOINT RESOLUTION NO. 55, permitting the legislature to establish reasonable rates, whether maximum or minimum for transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE JOINT RESOLUTION NO. 56, removing the constitutional requirement prohibiting short-haul differential (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

April 29, 1977.

HOUSE JOINT RESOLUTION NO. 57, removing the constitutional prohibition against combinations by carriers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Peterson, Sellar, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 117.

## MOTION

There being no objection, Senator Donohue was excused.

On motion of Senator Walgren, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 29, 1977.

Mr. President: The House has passed SENATE BILL NO. 2315 with the following amendments:

On page 5, after line 14 insert the following new sections:

NEW SECTION. Sec. 6. There is added to chapter 18.85 RCW a new section to read as follows:

The director shall issue a land development representative registration for any applicant, upon application made by the employing real estate broker, on a form provided by the department. The minimum requirements for an individual to be registered as a land development representative are that the applicant shall:

- (1) Be eighteen years of age or older;
- (2) Be a resident of the state of Washington; and

(3) Furnish such proof as the director may require concerning the applicant's honesty, good reputation, and identification including finger prints.

NEW SECTION. Sec. 7. There is added to chapter 18.85 RCW a new section to read as follows:

The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed as set forth in this chapter for licenses. A fee of fifteen dollars shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. No registration may be transferred to another broker, nor may a representative be registered to more than one broker at a time. Upon the termination of employment of any representative the broker shall release and return the registration of that representative to the department.

NEW SECTION. Sec. 8. There is added to chapter 18.85 RCW a new section to read as follows:

(1) The activity of a land development representative registered with a broker under this chapter shall be restricted to land developments as defined in this section and limited to:

- (a) Disseminating information;
- (b) Contacting prospective purchasers; and
- (c) Transporting prospective purchasers to the land development site.

(2) This section shall not be construed to authorize any representative to:

(a) Engage in the selling of real estate;

(b) Negotiate for or bind the broker in any agreement relating to the sale of real estate;

(c) Receive or handle funds;

(d) Assist in preparation of documentation attendant upon sale of real estate; or

(e) Engage in any other conduct or activity specified in any of the definitions under RCW 18.85.010, except as provided by subsection (1) of this section.

(3) The words "land development" as used in this chapter mean land which is divided, for the purpose of disposition, into ten or more parcels on which no residential structure exists at the time it is offered for sale.

**NEW SECTION.** Sec. 9. There is added to chapter 18.85 RCW a new section to read as follows:

Full responsibility for the activities of the land development representative registered under this chapter shall rest with the employing broker. The director may deny, suspend, or revoke the registration of any representative or the license of the employing broker for any violation of this chapter by the representative."

On page 1, on line 9 of the title, after "RCW 18.85.150;" strike "and"

On page 1, on line 11 of the title, after "RCW 18.85.190" and before "." insert "; and adding new sections to chapter 18.85 RCW"

On page 1, line 24, beginning with "Any" strike all the material down to and including "examination." on line 25, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Senate Bill No. 2315.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2315, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 6; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Day, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Washington, Wojahn—33.

Voting nay: Senators Clarke, Matson, Van Hollebeke, Wanamaker, Wilson, Woody—6.

Absent or not voting: Senator Keefe—1.

Excused: Senators Bottiger, Cunningham, Donohue, Fleming, Francis, Grant, McDermott, Murray, Pullen—9.

SENATE BILL NO. 2315, 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.

### 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 the Senate concurred in the House amendments to Senate Bill No. 2315.

### MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 563, by Committee on Labor (originally sponsored by Representatives King, Charette and Kilbury):

Extending the labor dispute disqualification for unemployment benefits.

## MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed Substitute House Bill No. 563 was advanced to second reading.

On motion of Senator Walgren, Engrossed Substitute House Bill No. 563 was ordered placed on the second reading calendar for May 3, 1977.

On motion of Senator Walgren, the Senate advanced to the eighth order of business.

On motion of Senator Day, the Committee on Higher Education was relieved from further consideration of Reengrossed House Bill No. 271.

On motion of Senator Day, Reengrossed House Bill No. 271 was referred to the Committee on Social and Health Services.

## REMARKS BY THE PRESIDENT

President Cherberg: "Senator Mardesich, the President respectfully calls your attention to rule 31, reconsideration, how taken, 'On and after the fiftieth day of the session, a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given, and may be made at any time that day.' The President respectfully suggests that if you wish to reconsider the vote you could make the motion today and then defer action until tomorrow."

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved the Senate immediately reconsider the vote by which the Senate concurred in the House amendments to Senate Bill No. 2315.

## MOTION

On motion of Senator Walgren, the motion for reconsideration by Senator Mardesich was ordered held for the proper order of business on May 3, 1977.

## MOTION

At 4:18 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, May 3, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, May 3, 1977.

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 Cunningham and Fleming. On motion of Senator Jones, Senator Cunningham was excused. On motion of Senator Odegaard, Senator Fleming was excused.

The Color Guard, consisting of Pages Garret Cole and Laurie Clare, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"WE COME TO YOU AND TO EACH OTHER THIS MORNING WITH WHAT WE ARE AND HAVE; WITH TIRED BODIES, WITH JANGLED NERVES, AND WITH DISAGREEMENTS OF VARYING DEGREES OF SIGNIFICANCE. LORD, YOU KNOW WHO WE ARE AND STILL LOVE US — AS WE COME IN THE CLOSENESS OF THESE HALLS TO KNOW EACH OTHER, BRING US THAT SAME SENSE OF CHARITY YOU HAVE TOWARD US THAT WE MAY SHARE IT WITH OTHERS".

### 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 25, 1977.

SENATE BILL NO. 2232, providing for educational clinics and authorizing state aid for students enrolled therein (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2232 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Morrison, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

May 3, 1977.

SENATE BILL NO. 2889, relating to education (reported to Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2889 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 194, extending the definition of the "funds" of a mutual savings bank (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 340, exempting securities issued by nonprofit recognized religious denominations from state securities regulation laws (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 393, requiring information to be filed before the acquisition of control of a bank (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 531, providing for a unified system of risk management (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 546, facilitating the use of mopeds (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Sellar, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED HOUSE BILL NO. 618, revising laws regulating sale of securities (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 625, authorizing the establishment and operation of a central credit union (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 634, changing the fees charged by secretary of state for filing by corporations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

May 2, 1977.

HOUSE BILL NO. 661, permitting policy owners to return disability insurance policies within ten days (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED HOUSE BILL NO. 691, revising the liability of a public depositary (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich.

Passed to Committee on Rules for second reading.

May 3, 1977.

ENGROSSED HOUSE BILL NO. 878, establishing and defining five commissioner PUDs and three commissioner PUDs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 912, establishing disposition procedures for unclaimed personal property (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 1234, making governing body of associated students at institutions of higher education subject to open public meetings act (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 1266, authorizing the director of General Administration to deputize an assistant as supervisor of division of savings and loan associations to perform the supervisor's functions in his absence (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 3, 1977.

HOUSE BILL NO. 1284, allowing transactions respecting University of Washington metropolitan tract to encompass time sequence of 60 years from December 31, 1980 (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

May 3, 1977.

FRED E. HAGGARD, to the position of member of the Gambling Commission, appointed by the Governor on April 4, 1977 for the term ending July 1, 1982, succeeding Oliver Furseth (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

May 2, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 3060, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 2, 1977.

Mr. President: The House has passed:

HOUSE BILL NO. 417,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 614,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615,

SUBSTITUTE HOUSE BILL NO. 681,

HOUSE BILL NO. 768,

HOUSE BILL NO. 848, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 417, by Representatives Sherman, Warnke, Ehlers and Lysen:

Restricting taxes on bingo, raffles, or amusement games only under specified conditions.

Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 614, by Committee on Judiciary (originally sponsored by Representatives Hanna, Knowles, Smith, Deccio, Tilly, Fischer, Knedlik, Whiteside, Becker, Struthers, Greengo, Salatino and Grim):

Providing for determinate sentencing for felony offenses.

Referred to Judiciary Committee.



ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, by Committee on Judiciary (originally sponsored by Representatives Enbody, Knowles and McKibbin):

Enacting the "Comprehensive Sentencing Act of 1977".

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 681, by Committee on Education (originally sponsored by Representatives Clemente, Barnes, Heck, Bauer, Whiteside, Bender and Warnke):

Designating core services of educational service districts for budgeting purposes.

Referred to Committee on Education.

HOUSE BILL NO. 768, by Representatives Moreau and Erickson:

Implementing the law relating to granting of degrees at certain state colleges including financial impact review.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 848, by Representatives Hanna, Adams, Deccio and Haley:

Modifying the financial responsibility provisions for residents of state residential schools.

Referred to Committee on Social and Health Services.

#### MESSAGE FROM THE HOUSE

April 15, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2156, with the following amendment:

On page 1, line 16, strike everything after the period down through all of line 22 and insert "An association or other entity composed of five hundred or more health care professionals licensed pursuant to chapters 18.22, 18.25, 18.32, 18.57, 18.71, or 18.88 RCW and meeting capital and surplus requirements set forth in RCW 48.05.340(1), after a written determination by the insurance commissioner that insurance for claims brought under chapter 7.70 RCW is either unavailable or cost-prohibitive from a licensed insurance carrier, may join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against claims brought under chapter 7.70 RCW through a contributing trust fund and shall not be deemed an "insurer" under this code: PROVIDED, That each health professional mutual corporation shall submit a financial and operational report annually to the legislative budget committee and the insurance commissioner.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Day, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2156, and asks the House to recede therefrom.

#### MOTION

At 10:22 a.m., on motion of Senator Walgren, the Senate recessed until 12:08 p.m.

#### NOON SESSION

The President called the Senate to order at 12:08 p.m.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2697.

## SECOND READING

SENATE BILL NO. 2697, by Senators Donohue and Odegaard:  
Relating to property tax limitation.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2697 was substituted for Senate Bill No. 2697, and the substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Mardesich, Rasmussen, Lewis, Henry, Matson, Hayner, Day and Benitz:

On page 5, line 23, insert a new section 5 as follows:

"NEW SECTION. Sec. 5. Beginning with the November 3, 1981 general election and including any and all subsequent elections at which a school district submits any excess levy to the public, excluding excess levies for capital purposes, the following words shall be appended to the ballot cards, paper ballots, or voting machine next to each levy ballot title:

"The state of Washington currently makes ample provision for the education of all children residing within the state. The passage of this excess levy will provide additional funding for certain special programs, which some residents of this school district believe would further enhance the delivery of quality education. The failure of this excess levy will in no way impact or injure the sound program of basic education which the children now receive."

Renumber the remaining sections consecutively.

## POINT OF INQUIRY

Senator Ridder: "Mr. President, would Senator Pullen yield? Senator Pullen, I would assume from your rationale on the language of the amendment that you would, indeed, regard this then as a guarantee that the state will amply fund basic education?"

Senator Pullen: "Yes, absolutely."

Senator Ridder: "And that this, then, would be a declaration of intent by the legislature to provide that funding."

Senator Pullen: "That is correct, and I believe that that intent is set forth in the package of bills that we are now passing, and I am certain that this intent will be carried out."

Senator Ridder: "Thank you."

There being no objection, Senator Grant was excused.

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 2697 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. 2697, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 1; excused, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Clarke, Gaspard, Guess, Hayner, Herr, Matson, Murray, Wojahn—8.

Absent or not voting: Senator Bausch—1.

Excused: Senators Cunningham, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 2697 was ordered immediately transmitted to the House.

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2376.

## SECOND READING

SENATE BILL NO. 2376, by Senators Beck, Wanamaker and Bottiger (by Department of Highways request):

Providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes.

## MOTION

On motion of Senator Beck, Substitute Senate Bill No. 2376 was substituted for Senate Bill No. 2376, and the substitute bill was placed on second reading and read the second time in full.

## POINT OF INQUIRY

Senator Mardesich: "Mr. President, I wonder if Senator Beck would respond to a question? Senator Beck, I am wondering whether the reference to RCW 48.10.780 through 48.10.788 covers the recent proposals that have been made with respect to the ferries?"

Senator Beck: "It refers to any bill, any bonds which are sold in the future, yes. It makes them a full pledge of the motor vehicle fund."

Senator Mardesich: "I have no recollection with respect to whether we amended in that ferry bill whether there was an amendment with respect to those sections of the code or we added new sections, and if we added new sections, then this guarantee would not apply to your latest ferry bond. I just wonder if we shouldn't check that before we move it out—"

Senator Beck: "—we have not passed the ferry bond bill yet, but we will."

Senator Mardesich: "—I assume."

#### REMARKS BY SENATOR HENRY

Senator Henry: "The purpose of this contingency bond bill is to have on tap funds, if necessary, because in building bridges and highway projects that extend beyond the biennium there would be a very good chance that these contingency bonds will never be sold. The purpose of this is to assure that there will be financing in the event that two, four or six years down the road when we have big highway projects that are obligated in advance, that in the case the gas tax revenues don't come up to the standard to meet the bills, then these bonds will be sold to take care of those projects. It has nothing to do with the ferries."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "My point is, should not the bonds under the ferry program be under the guarantee as well, and I am not so sure that these sections of the code cover the issue, and I thought perhaps they should be checked out so that they do cover the guarantees that—"

#### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2376 was ordered placed on today's second reading calendar following consideration of Senate Bill No. 3048.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2851.

#### SECOND READING

SENATE BILL NO. 2851, by Senators Walgren, Bailey and Donohue:  
Revising state employees' insurance and health care.

#### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2851 was substituted for Senate Bill No. 2851, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the following amendment by Senator Donohue was adopted:

On page 1, after line 14, insert a new section 1 and renumber the remaining sections accordingly:

"NEW SECTION. Section 1. There is added to chapter 41.05 RCW a new section to read as follows:

The legislature, recognizing the desirability of maintaining a healthy work force in order to promote the efficiency and productivity of the employees and officials working for the state, declares it to be in the best interest of the state to provide comprehensive health care to state employees and officials and their dependents.

It is therefore the purpose of this chapter to establish health care plans that provide comprehensive health care for all qualified state employees and officials and

their dependents, which plans will be funded by the employer to the fullest extent possible."

#### MOTION

On motion of Senator Day, Substitute Senate Bill No. 2851, as amended, was made a special order of business for 3:30 p.m. today.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 3028.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 3028**, by Committee on Local Government (originally sponsored by Senator Bausch):

Permitting proceeds from port district revenue bonds to be used for funding reserve accounts.

The Senate resumed consideration of Substitute Senate Bill No. 3028. On May 2, 1977, Senator Bluechel substituted Senate Bill No. 3028 for the original bill.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Bluechel:

On page 1, line 19, after "law" and before the period insert: ": PROVIDED, That no such bond issue may include an amount in excess of fifteen percent thereof for the purpose of establishing, maintaining or increasing reserves as enumerated above"

#### POINT OF INQUIRY

Senator Talley: "Senator Mardesich, will you yield? By your statements you said the IRS says that you can only do certain things, then why do you need to cloud up this bill with a thing like that? They are not going to be in violations of IRS laws?"

Senator Mardesich: "The difference is that the IRS rule applies only to that situation in which the funds are invested. If the funds are simply held in reserve without investment and thereby earning an amount of interest, then that prohibition of the IRS would not apply. The amendment is designed to not only protect the tax-free nature of the bond under the IRS provision, but in addition, to provide that there would be no more than fifteen percent placed in reserve. Now, fifteen percent is a lot of money for reserve. It is undoubtedly two to three years of payments, and would be enough to get them over the hump, I am sure."

Senator Talley: "Senator Mardesich, a lot of times you buy a crane, a crane will cost two and a half to three million dollars, and you can't get delivery within thirty-six months, but you are still going to have to vote your bonds and have your money there to pay for it when it does come. I just don't see the need of this amendment at all, just clouds up a good bill."

Senator Mardesich: "Mr. President, in response, this does not prohibit the issuance of the bond, it merely says that you can't issue in excess of fifteen percent more than the amount required to put into a reserve. It aids the bond issue rather than harms it, and at the same time, provides the guarantee that the bond will retain a tax-free status under the fifteen percent rule."

## POINT OF INQUIRY

Senator Goltz: Mr. President, would Senator Mardesich yield? As I read your amendment, Senator Mardesich, it is clear to me that the bond issue revenue only is limited to fifteen percent for purposes of establishing, maintaining or increasing those reserves. It would be possible, as I read your amendment, to increase those reserves to more than fifteen percent by revenues other than those generated from the sale of bonds."

Senator Mardesich: "That would be true to the extent of revenue collected in excess of bond service requirements, so that it is not a lid in that respect."

The motion by Senator Mardesich carried and the amendment was adopted.

## MOTIONS

On motion of Senator Jones, Senator Guess was excused.

On motion of Senator Odegaard, Senators Gaspard, Grant and Ridder were excused.

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute 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 Engrossed Substitute Senate Bill No. 3028, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Hayner, Sellar—2.

Excused: Senators Cunningham, Gaspard, Grant, Guess, Ridder—5.

ENGROSSED SUBSTITUTE 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 Marsh, the Senate commenced consideration of Senate Bill No. 2949.

## SECOND READING

SENATE BILL NO. 2949, by Senators Bottiger, Newschwander and Henry: Implementing the gambling act.

## MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2949 was substituted for Senate Bill No. 2949, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the following amendment by Senators Wilson, Bottiger and Wanamaker was adopted:

On page 1, following line 28, insert a new paragraph as follows:

"The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter."

On motion of Senator Van Hollebeke, the following amendments were adopted:

On page 9, line 34, after "this section" and before ";", insert "other than any agricultural fair referred to thereunder"

On page 10, section 1, line 5 after "thousand dollars" and before "; (b)" insert "during the total calendar days of such fund raising event in the calendar year"

On motion of Senator Wanamaker, the following amendment was adopted:

On page 14, section 2, line 3 after "to" strike all matter through "subsection," on line 4 and insert: "wagering as described in subsection (6), sports pools as described in subsection (7),"

### MOTIONS

On motion of Senator Jones, Senators Hayner and Sellar were excused.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 2949 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 Wilson yield to a question? Senator Wilson, that first amendment that you adopted, if I were to take the Senators out for dinner some night, apparently there is no restriction on the size of the charge that I could roll the dice for. If I took all the Senators here and the bill came to, you know, three or four hundred dollars, I could still roll the dice for it apparently under this provision of the amendment?"

Senator Wilson: "There is no monetary limit."

Senator Rasmussen: Thank you. I am not going to take the Senators to dinner, though."

### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Wilson would yield? Senator Wilson, if I bought a sandwich and I said to the bartender, 'I will shoot you double or nothing,' would that be legal?"

Senator Wilson: "I believe it would under terms of this amendment."

Senator Talley: "It would be legal under the terms of this amendment."

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 2949 was advanced to third reading, the second 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. 2949, and the bill failed to pass the Senate by the following vote: Yeas, 28; nays, 13; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison,

Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Talley, Van Hollebeke, Waigren, Wilson, Woody—28.

Voting nay: Senators Bluechel, Buffington, Gould, Jones, Mardesich, McDermott, North, Pullen, Scott, von Reichbauer, Wanamaker, Washington, Wojahn—13.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Donohue, Grant, Guess, Hayner, Ridder, Sellar—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2949, having failed to receive the constitutional sixty percent majority, was declared lost.

### PARLIAMENTARY INQUIRY

Senator Pullen: "Point of inquiry. Does this take a fifty percent constitutional majority or a sixty percent?"

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, in answer to your inquiry, the President appreciates your calling the matter to the attention of the body and the President. As per amendment fifty-six of the Constitution, 'Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each House of the Legislature.'

"Therefore, your inquiry was quite in order. The passage of this particular bill requires a sixty percent majority."

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Wojahn, the Senate moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 2949 failed to pass the Senate.

Debate ensued.

### POINT OF INQUIRY

Senator Francis: "Will Senator Bottiger yield to a question? Senator Bottiger, as I look at this, it is kind of hard to understand what we are doing with regard to the controls over professional gamblers. My observation of those Reno nights at Elks Clubs and so forth is that they were all handled in the past, that is, in the good old days, as some people put it, by people who spent virtually all of their time traveling from club to club around the state operating roulette wheels and card games and so forth.

"Is there a provision in here that protects us from the professional gamblers in this type of operation?"

Senator Bottiger: "Senator Francis, I am trying to find the exact words. When I read it earlier this morning, I found that only actual members of the charitable organization could on line nine on page ten, 'Only bona fide members of the organization who are not paid for such services shall participate in the management or operation of the activities,' so you can't even hire somebody to do this for you. You have got to do it within your own club members.

"It seems to me that that is the kind of protection to keep the roving professional out."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2949, on reconsideration.



## ROLL CALL

The Secretary called the roll and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 32; nays, 12; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—32.

Voting nay: Senators Bluechel, Buffington, Gould, Jones, Mardesich, McDermott, North, Pullen, Scott, von Reichbauer, Washington, Wojahn—12.

Absent or not voting: Senators Fleming, Rasmussen—2.

Excused: Senators Cunningham, Grant, Guess—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2949, having received the constitutional sixty percent majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute Senate Bill No. 2376.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2376, by Committee on Transportation (originally sponsored by Senators Beck, Wanamaker and Bottiger) (by Department of Highways request):

Providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes.

The Senate resumed consideration of Substitute Senate Bill No. 2376. Earlier today, Senator Beck substituted Senate Bill No. 2376 for the original bill.

On motion of Senator Beck, the rules were suspended, Substitute Senate Bill No. 2376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2376 on third reading, was ordered placed on today's calendar following consideration of Senate Bill No. 3039.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3071.

## SECOND READING

SENATE BILL NO. 3071, by Senator Peterson:

Extending and updating the commercial fishing gear reduction program.

## MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3071 was substituted for Senate Bill No. 3071, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the following amendments were considered and adopted simultaneously:

On page 2, line 29, after "the" strike "appropriate" and insert "((appropriate))"

On page 3, line 7, after "all" strike "appropriate" and insert "((appropriate))"

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3071 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Goltz: "Would Senator Peterson yield? I remember when we passed the bill the first time, and after the first round of buy back, some of the boats that were bought from fishermen appeared back on the fishing fleet of other owners, and are still fishing in Puget Sound waters, as I understand it. Would that be possible under this act, that fishing boats bought back could appear back on the Puget Sound waters for fishing?"

Senator Peterson: "Not in our fishery. Under the original bill there weren't, and I don't know what you are referring to. If some other fisherman has a license, already has his license, it could be possible that way, but it is specifically stated out in the law that it is not to reenter our fishery. There was a court ruling after we passed this bill that the Indians would be permitted, and that is still in adjudication and being contested, but to this date the Indians have not exercised that right, and to my knowledge, they haven't entered into this buy back program at all."

#### POINT OF INQUIRY

Senator Talley: "Would Senator Peterson yield? Senator Peterson, the intent of this law is to cut down the number of fishermen. Now if this man has rights in Puget Sound, rights in Willapa, and rights in the Columbia River, and we buy out his boat and gear, and he goes out and only sells one license, shouldn't it be the intent of the department to acquire all of his rights?"

Senator Peterson: "I wish the bill was written in that manner, however, I don't think it is, and I am not too sure what the federal law is when they allocated this money to the buy back program, and whether or not we could do this at this time or not I am not sure."

"I would like to look into it, and if that is possible perhaps we can get it on in the House. I feel this is a necessary program that we should continue in order to cut down as much as possible the user groups that have licenses, and that in effect, is what it does and it also goes hand in hand with the moratorium that this body has passed as far as the issuance of new licenses. It is just an enhancement of the moratorium bill, and I would hope that we can support it, and continue it at least for the money that is left available to us to get the fishermen that wish to get out of the market, out of it."

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Peterson yield, please? Senator Peterson, does the department have the power to rights and regulations relative to the sale of these boats?"

Senator Peterson: "The power of what?"

Senator Lewis: "To rights and regulations, or what I am concerned about is that I have been told, and I do not know how authoritatively, that some of these boats have been purchased from a fisherman and resold at a very substantial bargain price to another member of the family of such fisherman. Now, I am wondering if there should be anything in here to preclude that happening. I mean, even though

they are federal dollars, they are still taxpayers' dollars. That kind of a rip off is not intended, but apparently it has happened I have been told."

Senator Peterson: "There may be an isolated instance where a boat may have been sold at a lower price than what may be considered market value, however these boats are not sold at the discretion of the department of fisheries price fee. They are sold on the basis of the marine surveyor's figures, and the seller has the option when he puts his boat up to the department of fisheries for sale of bringing his own marine surveyor in to establish the value of his boat.

"There are instances where boats may have been sold to some fisherman that has decided not to fish any more, at perhaps lower than the market value, but if that market value is lower, it was established by a legitimate, licensed marine surveyor, not the department of fisheries. So, I think it is as legal and as upright as it can be."

#### MOTION

On motion of Senator Talley, Engrossed Substitute Senate Bill No. 3071 on third reading was made a special order of business for 2:45 p.m. today.

#### MOTIONS

Senator Marsh moved the Senate now resume consideration of Substitute Senate Bill No. 2851.

On motion of Senator Newschwander, Substitute Senate Bill No. 2851 will remain as a special order of business for 3:30 p.m. today.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3054.

#### SECOND READING

SENATE BILL NO. 3054, by Senators Odegaard, Sandison, Morrison, Benitz and Donohue:

Modifying timber tax distribution.

#### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3054 was substituted for Senate Bill No. 3054, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the following amendment by Senators Odegaard and Morrison was adopted:

On page 10, line 5, insert a new section 4 as follows:

"**NEW SECTION.** Sec. 4. There is hereby created a temporary committee to be known as the forest tax committee, which shall meet, act, and conduct its business any place in the state of Washington during the interim period prior to the 1979 regular session of the legislature; and it shall be the duty and responsibility of the committee to make recommendations on distribution, rate, and such other matters as the committee feels appropriate to the legislature at the 1979 session or such extraordinary session as may be convened in 1978.

The forest tax committee shall consist of sixteen members: Four senators, two from each political party, to be appointed by the president of the senate; four representatives, two from each political party, to be appointed by the speaker of the house of representatives; two county assessors to be selected by the eight appointed legislative members from a list of five assessors to be submitted by the Washington state

association of county assessors; the director of the department of revenue or his designated representative; the commissioner of public lands or his designated representative; the superintendent of public instruction or his designated representative; and three representatives of private timber or timber land owners throughout the state to be selected by the eight appointed legislative members from a list of six such representative persons submitted jointly by the Washington forest protection association and the Washington farm forestry association. Members shall be appointed and selected on or before June 30 to serve two-year terms. Except for such designees as the director of the department of revenue or the commissioner of public lands might appoint, membership shall not be dependent upon continuance in elective office or other status that may be required for initial qualification as a member, and should any vacancy occur, it shall be filled in the same manner as for the original appointment. Certificates of appointment of members shall be filed by the legislative members so appointing in the office of the president of the senate and in the office of the speaker of the house.

The initial meeting of the forest tax committee shall be held within thirty days after the filing of all certificates of appointment, notice thereof to be given to the director of the department of revenue, and shall be called by the director of the department of revenue who shall act as temporary chairman. At such first meeting, the committee shall elect a chairman, who is a legislator, and a vice chairman, who is a legislator. The chairman shall appoint a secretary and such other staff as the legislative members of the committee deem necessary.

Except for the director of the department of revenue and the commissioner of public lands or their designees who shall receive expenses as provided in RCW 43.03.050 and 43.03.060, as now or hereafter amended, members of the committee shall receive allowances while attending meetings of the committee or while engaged in other committee business in the amount provided in RCW 44.04.120, as now or hereafter amended. All expenses incurred by the committee or the members thereof shall be paid upon voucher forms signed by the chairman of the committee. Vouchers shall be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

The duties and responsibilities of the committee shall include, without limitation, the following:

(a) A review of the distribution of excise tax revenues, the rate, and such other matters as the committee deems appropriate;

(b) Supervision and control of the activities of any consultants retained by the committee for preparation of any special studies or reports;

(c) Preparation of a report summarizing committee actions, findings and recommendations to the 1978 extraordinary or 1979 regular session of the legislature."

Renumber section 4 to read section 5.

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute Senate Bill No. 3054 was advanced to third reading, the second 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. 3054, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder,

Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Grant, Guess—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute Senate Bill No. 2376.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2376, by Committee on Transportation (originally sponsored by Senators Beck, Wanamaker and Bottiger) (by Department of Highways request):

Providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes.

The Senate resumed consideration of Substitute Senate Bill No. 2376 on third reading. Earlier today, Substitute Senate Bill No. 2376 was substituted for the original bill and advanced to third reading.

On motion of Senator Mardesich, the rules were suspended, and Substitute Senate Bill No. 2376 was returned to second reading.

On motion of Senator Mardesich, the following amendment was adopted:

On page 2, line 17, after "authorized" insert "by legislative act"

On motion of Senator Beck, the rules were suspended, Engrossed Substitute Senate Bill No. 2376 was advanced to third reading, the second 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. 2376, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Peterson—1.

Excused: Senators Cunningham, Grant, Guess—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2405.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2405, by Committee on Education (originally sponsored by Senator McDermott):

Mandating rules and regulations for voluntary transfer of students between school in same school district.

The Senate resumed consideration of Substitute Senate Bill No. 2405. On May 2, 1977, the bill had been returned to second reading and held for further consideration today.

There being no objection, on motion of Senator Odegaard, the amendment to page 1, line 8, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and McDermott was adopted:

On page 1, line 16, after "transfer" insert ": PROVIDED FURTHER, That no student shall be required to attend a school outside the service area in which he resides by virtue of a lack of space caused by transfers into his service area"

Senator Pullen moved adoption of the following amendment:

On page 1, line 12, after "district's" and before "plans" insert "court-ordered" Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 2405 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator McDermott yield? Senator McDermott, several of us who represent the rural areas have small school districts where there might only be one grade school, or one high school, or maybe the one grade school has only one grade level of each grade, or it might have two classes of each grade. Is there anything in this bill that would mandate those districts to have to take the time to establish rules and regulations even if they wouldn't really come under this bill?"

Senator McDermott: "No. We wrote the bill so that small school districts that do not have these kinds of options because of the size of the school district, would not have to write the rules and regulations. The original bill did mandate that all districts write rules, but we got opposition to that approach, and so we said that the people could make application, and if a district has it, then they could do it."

Debate ensued.

## POINT OF INQUIRY

Senator Goltz: "Mr. President, would Senator McDermott yield? A thought just occurred to me, Senator McDermott, that where a pupil might request a transfer to a school which would require extraordinary transportation network, and to get students going back and forth across the district to the schools they prefer, is there any obligation on the part of the district to provide transportation where transportation would otherwise be provided?"

Senator McDermott: "In section 2 of this bill, Senator Goltz, it says, 'Nothing in this section shall be deemed to modify the provisions of Chapter 28A.24 relating to school transportation,' and that says that you can't force the school district to give you transportation if you request to move to a school outside of your normal service area."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2405, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Hayner, Keefe, Mardesich, Marsh, McDermott, Monohon, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Goltz, Gould, Guess, Henry, Herr, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Scott, Sellar, Wanamaker, Wilson—22.

Excused: Senators Cunningham, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2405, having received the 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

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3071, by Committee on Natural Resources (originally sponsored by Senator Peterson):

Extending and updating the commercial fishing gear reduction program.

The time having arrived, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3071.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3071.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3071, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senators Goltz, Gould, Peterson—3.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Cunningham, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2654.

## SECOND READING

SENATE BILL NO. 2654, by Senator Bottiger:

Relating to state environmental policy act.

## MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2654 was substituted for Senate Bill No. 2654, and the substitute bill was placed on second reading and read the second time in full.

Senator Woody moved adoption of the following amendment by Senators Woody and Newschwander:

On page 2, beginning on line 4, strike all of subsection (i) and insert:

"(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid."

Debate ensued.

## POINT OF INQUIRY

Senator Murray: "Mr. President, would Senator Woody yield to a question? Senator Woody, in looking at this amendment, would you include someone who is directly across the street—in other words, you have the street rather than a boundary between your properties, and would you include someone whose property is diagonal. In other words, you only have a point. That's the corner of your property as being on a common boundary."

Senator Woody: "Yes, it would because in both instances there is an underlying title that does touch. In the street situation, there is an underlying right up to the middle of the street to the title in the event that the street is vacated, and it passes with the title to the land in the event of a transfer. Where the apex, that is the point so to speak, of one land touching the point of the other, they are still abutting. They are still touching each other, and they would be considered to be abutting land owners."

Further debate ensued.

The motion by Senator Woody carried and the amendment was adopted on a rising vote.

Senator Woody moved adoption of the following amendment:

On page 4, beginning on line 18, strike all of subsection (5).

Debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Washington yield? Senator Washington, if under section 5 as it is currently constituted, subsection 5, if the legislature failed to act prior to September 1, 1979—I assume that means the regular session two years from now—"

Senator Washington: "Give some additional time after that, however"

Senator Mardesich: "I would assume that it would have to be a special session. But if the legislature failed to act before the end of the next regular session, what would be the law with respect to notices in these cases, then? We would have none."

Senator Washington: "Then we would go back to new section 3 which reenacts the present act. I mean, this is the way that the code reviser points out that you have to do if you try the sunshine approach. One, you provide that the—well, sunshine, sunset—. This bill of course, has some sunshine. We are putting a little light on the subject, but the sunset provision would expire, and then immediately section 3 would come into being, putting the present law back into effect. If you will look at section 5, 'This section shall take effect on September second, nineteen seventy-nine.'

The motion by Senator Woody carried and the amendment was adopted.

There being no objection, the amendment by Senator Woody to page 4, beginning on line 31 on the desk of the Secretary of the Senate, was withdrawn.



On motion of Senator Washington, the following amendment was adopted:

On page 5, line 2, after "codes" insert ". In the case of counties with a population of less than seventy thousand people and cities with a population of less than thirty-seven thousand people, such conditions or denials made more than three years from the effective date of this 1977 amendatory act shall also be based upon policies developed by the appropriate local governmental authority and incorporated into resolutions, regulations, ordinances, plans, or codes"

Senator Woody moved adoption of the following amendment:

On page 5, strike all of lines 11 and 12.

Debate ensued.

The motion by Senator Woody carried and the amendment was adopted.

On motion of Senator Woody, the following amendment was adopted:

On page 5, beginning on line 13, strike all of section 3.

Senator Woody moved adoption of the following amendment:

On page 5, insert a new section 3 as follows:

"Sec. 3. Section 3, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C-.090 are each amended to read as follows:

(1) In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight.

(2) Notwithstanding any applicable provision of chapter 34.04 RCW, in any action involving attack on a determination by a governmental agency relative to the requirement or the absence of a requirement for a "detailed statement", the decision of a governmental agency shall be reversed only if the decision is determined to have been arbitrary and capricious in light of the record before the decision maker of the governmental agency and in light of any mitigating measures which have been incorporated in the proposed action.

(3) In any action involving an attack on the adequacy of a "detailed statement", a party asserting that a "detailed statement" is inadequate shall have the burden of proving that the governmental agency which issued the "detailed statement" was arbitrary and capricious in its identification of the major impacts and reasonably available alternatives. A "detailed statement" shall be deemed adequate if there is a reasonably thorough discussion of the major identified impacts which have not been mitigated by changes in the proposal or by imposed conditions, and if it contains a discussion of the major alternatives reasonably available to the decision maker in light of the proposed action.

#### POINT OF ORDER

Senator Washington: "Mr. President, I raise the point of order that the amendment starting on page 5 changes the scope and object of the bill 2654 in violation of rule 60.

"Speaking on the point of order, Senate Bill 2654 is a very narrow bill in its scope. It relates only to procedural matters, and those procedural matters relate only to local government, and as far as local government is concerned, to the legislative and to the administrative or executive. Pardon me, there are some areas also that could relate to state government, but again, also relating only to the administrative side of state government.

"The amendment, however, of Senator Woody, completely changes the scope and object of the bill by relating to the judiciary and would make a very radical change in the method of appeals of SEPA provisions. At the present time an act can be appealed on under the administrative procedures act and under general law on the basis that the act of the administrative officer or the administrative agency is clearly erroneous and there is a second ground upon which an appeal may be raised

on the basis of arbitrary and capricious. Senator Woody's amendment would change that, and would prevent the court from considering on appeal the very important issue of whether or not the action taken by the governmental agency is clearly erroneous. It is a provision that would only relate during an appeal to a court. It relates only to the judiciary, and I would like to call your attention. I have here before me the administrative procedures act, and under subsection 6, it provides for a number of grounds of appeal. This would eliminate all of those grounds except the last one which is '(f) arbitrary and capricious.' It would eliminate number (e) and particularly what we are interested in, the clearly erroneous argument, the clearly erroneous provision.

"So, what Senator Woody is doing is changing a bill which is very restricted as far as its scope is concerned, to a very broad action extending clear into the supreme court, the courts of appeals and the superior court."

### MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2654, as amended, together with the amendment by Senator Woody and the Point of Order by Senator Washington, was ordered held on the second reading calendar for May 4, 1977.

### SPECIAL ORDER OF BUSINESS

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 2851, by Committee on Ways and Means (originally sponsored by Senators Walgren, Bailey and Donohue):

Revising state employees' insurance and health care.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2851. Earlier today Substitute Senate Bill No. 2851 had been substituted for the original bill and an amendment by Senator Donohue had been adopted.

On motion of Senator Day, the following amendment was adopted:

On page 2, line 32, after "plans," insert "including panel medicine plans,"

On motion of Senator Guess, the following amendments were adopted:

On page 3, line 17, after "board." insert "Active employees, as defined in RCW 41.05.020(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board."

On page 6, line 1, after "for" and before "medicare" insert "and who elects to apply for"

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2851 was advanced to third reading, the second 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. 2851, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Talley—1.

Excused: Senators Cunningham, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3039.

### SECOND READING

SENATE BILL NO. 3039, by Senators Bottiger and Mardesich:

Taxing attorney's fees against the state in certain civil actions.

The bill was read the second time by sections.

On motion of Senator Bottiger, the following amendment was adopted:

On page 1, line 8, after "party." strike the balance of the bill.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3039 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### PERSONAL PRIVILEGE

Senator Mardesich: "Mr. President, ladies and gentlemen of the Senate, I feel strongly that this is a good type approach to the subject. As a matter of fact, I proposed a similar bill with respect to claims of an insured against insurance companies. That bill is still in committee, but it is the same theory, and perhaps that bill is even a fairer bill because you have paid for insurance coverage. If you had a loss, then you should be allowed to recover the amount of your loss, and not give half of it to an attorney. So, in that bill it would provide that an insured where he sues his company would recover the fees. This is a slightly different situation.

"You have heard Senator Bottiger's approach and you have heard the response by Senator Clarke. I still feel that this is a fair measure because the state, the government, is in a position to bring almost overbearing pressures by virtue of the ability and the finances which they have to draw upon to harass people, and don't tell me it doesn't happen. I am not suggesting it happens in my case, but don't tell me it doesn't.

"As Senator Bottiger pointed out, the case of a man who is trying to get a—a is it a zoning problem—solved to build a home, and he is extended already simply because it has become a cause with him, some sixteen thousand dollars which is going to go down the drain.

"The personal privilege to which I address myself is the question as to whether this bill would affect the current cause of action which the attorney general has against me. I suspect that it would, and for that reason I would refrain unless directed by the President, from voting on the measure, and secondly, would be more than happy to forgo any claim for costs and attorney's fees and will do so if this bill should become law."

Further debate ensued.

### POINT OF INQUIRY

Senator Washington: "Will Senator Bottiger yield? What will be the effect of this bill if it passes on suits by the attorney general in consumer fraud cases? I am asking also if it might not act as somewhat of a damper on the activities of the attorney general in vigorously prosecuting consumer fraud in face of this bill."

Senator Bottiger: "Senator Washington, I think that there would be a review procedure established. If there was a good chance of winning, the action would be brought. If it was lost, despite the good chance, the attorney general would have to pay the businessman or whoever was being charged with 'consumer fraud.' On the other hand if the state won, there is usually attorney fees awarded to the state inasmuch as treble damages in consumer fraud. So, we haven't asked for three times the attorney fees, we have only asked for the single time. I can expand that and tell you how we used to do it."

Senator Washington: "I think you have answered that question. Now it also occurs to me that we are going to have some difficulties because we are establishing a number of new offenses that used to be criminal. We now call them civil, and in order to handle that, I feel, again very possibly, that a prosecutor should not have this in the back of his mind in determining whether or not to take action of these civil offenses, and I think it is a good way that we are going, but I have some fears for this bill."

Senator Bottiger: "Senator Washington, I will interpret that as a question. First of all, the prosecutor isn't involved. It is actions by the state, so we are not talking about a prosecutor. The attorney general does have some criminal authority, and this bill does not apply to criminal cases, it applies to civil suits. It would appear to me that in the area of consumer fraud—I headed the Tacoma office of the attorney general's consumer fraud division. Before we brought a suit, three attorneys had to review and determine that it was probable that we should bring it. In other words, you had to have a good case built. Before we brought it, we called the person in on a cease and desist order, an informal one, and if we didn't get any satisfaction, we brought a formal proceedings, absent going to court, to avoid the necessity of filing charges. You file a charge under the consumer fraud action, you cut off all the person's credit; no bank will touch him. You completely destroy his business. I think a return to the old system is well in order."

Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Francis yield? This interesting debate among attorneys naturally has confused a number of us, and my question is, would this bill apply to instances where county prosecutors have brought actions in enforcement of state laws?"

Senator Francis: "Senator Wilson, it is my understanding that this bill expressly does not apply to that situation."

#### 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, 35; nays, 10; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Wilson, Wojahn, Woody—35.

Voting nay: Senators Clarke, Jones, Matson, Morrison, Newschwander, Sellar, Talley, Walgren, Wanamaker, Washington—10.

Absent or not voting: Senators Henry, Mardesich—2.

Excused: Senators Cunningham, Grant—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.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3066.

#### SECOND READING

SENATE BILL NO. 3066, by Senators Walgren, Rasmussen, Clarke, Marsh, Talley and Newschwander:

Establishing an office for coordination and assistance to prosecuting attorneys.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3066 was substituted for Senate Bill No. 3066, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Marsh, Substitute Senate Bill No. 3066 was ordered held for consideration following Senate Bill No. 2339.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3067.

#### SECOND READING

SENATE BILL NO. 3067, by Senators Walgren, Rasmussen, Clarke and Wilson:

Establishing the Washington State Register.

#### MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 3067 was substituted for Senate Bill No. 3067, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Second Substitute Senate Bill No. 3067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3067, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Cunningham, Grant—2.

SECOND SUBSTITUTE SENATE BILL NO. 3067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Memorial No. 109.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 109, by Senators Talley and Murray (by Oceanographic Commission of Washington request):

Requesting the federal government to develop a program of standards for marine measurements.

The memorial was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Joint Memorial No. 109 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 109, and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senators Cunningham, Grant—2.

SENATE JOINT MEMORIAL NO. 109, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2002.

#### SECOND READING

SENATE BILL NO. 2002, by Senator Beck:

Prohibiting controlled substances in state penal institutions.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2002 was advanced to third reading, the second 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. 2002, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison,

Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Fleming, Henry, Jones, Wanamaker—5.

Excused: Senators Cunningham, Grant—2.

SENATE BILL NO. 2002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2339.

#### SECOND READING

SENATE BILL NO. 2339, by Senators Cunningham, Mardesich, Rasmussen and Guess:

Prescribing rights of private property owners.

#### MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2339 was substituted for Senate Bill No. 2339, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 2339 was advanced to third reading, the second 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. 2339, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Guess, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—35.

Voting nay: Senators Bluechel, Bottiger, Fleming, Goltz, Gould, McDermott, Monohon, North, Ridder, Washington, Woody—11.

Absent or not voting: Senator Henry—1.

Excused: Senators Cunningham, Grant—2.

SUBSTITUTE SENATE BILL NO. 2339, having received the constitutional majority, was declared passed. 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 Senate Bill No. 2339 was ordered immediately transmitted to the House.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 3066, by Committee on State Government (originally sponsored by Senators Walgren, Rasmussen, Clarke, Marsh, Talley and Newschwander):

Establishing an office for coordination and assistance to prosecuting attorneys.

The Senate resumed consideration of Substitute Senate Bill No. 3066 on second reading. Earlier today, Substitute Senate Bill No. 3066 had been substituted for the original bill.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Rasmussen yield? Senator Rasmussen, what is the fiscal impact of this bill for this biennium?"

Senator Rasmussen: "It has no fiscal impact. The total cost is \$57,777.00."

Senator Odegaard: "That is for this biennium?"

Senator Rasmussen: "Yes, and that is not state money. That is LEAA up until the end of 1977. There will probably be LEAA funds available beyond this time, but not the increased moneys that pass through here, doubling the amount that they could withdraw out of local tax moneys that are supposed to fund this."

Senator Odegaard: "What will happen, Senator Rasmussen, if the LEAA funds are terminated, or is the state going to be expected to pick this cost up?"

Senator Rasmussen: "Not the state, the counties."

Senator Odegaard: "The counties will?"

Senator Rasmussen: "That is correct."

Senator Odegaard: "Will all counties have revenues for that purpose—sufficient?"

Senator Rasmussen: "What was it—I think Senator North could tell us. What was the total amount of money that would be raised by that increase, \$125,000?"

Senator North: "Yes, I believe that is correct. The LEAA grant does expire, and it is not renewable, so we will be looking at this as it comes down the road, and it will be a question as to whether it is state funding or whether it is up to the counties, and that is a policy decision that the Senate will have to face in the future."

Senator Rasmussen: "Thank you, Senator North."

#### POINT OF INQUIRY

Senator Scott: "Would Senator Rasmussen yield? From what I have seen here, the prosecuting attorneys are doing a pretty fair job of representing themselves in the legislature on an as needed basis now. Why do we need to get into this situation?"

Senator Rasmussen: "This is a pilot program financed by the LEAA funds. All of the prosecutors that appeared before the state government committee, and there were numerous prosecutors, said that the assistance that was rendered by this central office was invaluable to them in the operation of their offices, and the committee was convinced that it was a worthwhile organization to set up."

Further debate ensued.

#### REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, in response to Senator Scott's question, I think the testimony in state government committee brought out that the services that will be offered by this group is greater than would be considered by other elected officials at the county level. In other words, they help prepare briefs for those smaller counties, that perhaps, have not had experience in certain highly technical areas. They help in advisory and consultation work with them, and I think it is specifically needed for the prosecuting attorney."



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3066, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Gould, Guess, Hayner, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Peterson, Rasmussen, Sandison, Talley, Walgren, Wanamaker, Washington, Wilson—26.

Voting nay: Senators Bluechel, Buffington, Donohue, Goltz, Herr, Jones, Keefe, Lewis, Matson, McDermott, Murray, Odegaard, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wojahn, Woody—20.

Absent or not voting: Senator Henry—1.

Excused: Senators Cunningham, Grant—2.

SUBSTITUTE SENATE BILL NO. 3066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Mardesich, the Senate moved, on a rising vote, to reconsider the vote by which Substitute Senate Bill No. 3066 passed the Senate.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 3066, on reconsideration, was ordered placed on the third reading calendar for May 4, 1977.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2512.

## SECOND READING

SENATE BILL NO. 2512, by Senators von Reichbauer, Ridder and Murray:

Giving preference to the acquisition of historic landmarks for public needs.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 2512 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 von Reichbauer yield? Senator von Reichbauer, I am looking at section 2, on page 1, lines 15 through 20. Starting on the end of line 17, it says 'these buildings which meet the needs of elected state officials, institutions, departments, commissions or other state agencies.' Who is to decide whether they meet the needs of the elected officials, of the state agencies, of the legislature? Is that the park director who will decide and then direct us if we are going to have our offices in a historic site, across town, or do we, as elected officials, have some say, and I am not certain what this does and therefore I ask the question."

Senator von Reichbauer: "Mr. President, in answering Senator Mardesich, I think that it is clear that the director of the department of general administration

will make the recommendations, but I think it has no manner of infringement upon our responsibilities or our prerogatives in determining what buildings we want."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator von Reichbauer yield to a question? I am looking at line 5 where it says that the director of the state parks and recreation commission—it says on this 'only the director'. It doesn't provide that the commission shall adopt those recommendations. It says the director, he determines what is a historic building, identifies it in writing and then it goes on further down that the director of the department of general administration—it doesn't say he may. It says 'shall' give preference to the purchase, lease or rent of the historic architectural—my question is, why do we give that authority to the director, that he drives around and makes a survey and determines this is a building that he thinks is something that should be historic. It doesn't provide anybody else to review it. That is rather broad powers."

Senator Lewis: "Mr. President, if I may, Senator Rasmussen, if you will read the rest of that line, on line 7 it says, 'that are designated or eligible for designation on the state or national registers of historic places as historical architectural cultural landmarks and would be suitable.' There are certain specifications that have to be met for buildings to be so designated. There is, as you know, a national commission. The secretary of state of Washington serves on that commission, and there are certain requirements that have to be met, so I don't think you are at the mercy of the parks director to go out and just designate any such buildings. They do have to meet certain standards."

Senator Rasmussen: "But Senator Lewis, it doesn't say that after they have been designated, it says 'or eligible for,' and I think there is a lot of difference."

Senator Murray: "Mr. President and members of the Senate, I would just like to—"

Senator Rasmussen: "Mr. President, I didn't ask all of these other Senators, I was only asking Senator von Reichbauer."

Senator von Reichbauer: "Senator Rasmussen, Senator Ridder and Senator Murray are also cosponsors of the measure, and Senator Lewis is a member of the committee, and I am always willing to yield the floor to them."

Senator Murray: "Mr. President, I would just like to point out if we are going to quote from the bill itself, in section 2, it says, 'the director of the department of administration shall give preference,' etc., but it also goes down and says, 'which meet the needs of elected state officials, institutions,' et cetera, or 'unless the space would not be as feasible and prudent as the use of available alternatives,' so unless it meets, in effect, a prudent rule, and unless it is as good as another alternative, why it wouldn't apply. Only if all things are equal, shall this historic building get preference."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator von Reichbauer yield? Senator von Reichbauer, in section 1, it talks about 'whether or not in need of repair or alteration'. Do you have any idea of what the cost impact might be if this bill were to pass?"

Senator von Reichbauer: "This bill has no fiscal impact because it would be up to the general administration to determine some buildings that would be included in any budget they would have, and they would determine any repair as well as purchase of any new building sites."

Senator Odegaard: "You don't happen to know what that list might be—"

Senator von Reichbauer: "This is just permissive language for them to do this, and I would point out, Senator Odegaard, the language 'as is prudent' is clearly defined there in the section, and I think this is definitely a mandate by the legislature to the department of general administration as well as to the department of state parks and recreation to be prudent in the choice of these sites. The idea, of course, is to use these historical sites that this state abounds with, and by that use, hopefully preserve them whether they be old forts, or building sites in Seattle, or out in the outskirts of our great state."

Senator Murray: "I would like to point out to Senator Odegaard that section 2 still applies. Number one, they have to establish the need for the building and its use, and the cost could not be more than the alternative, so, you know, nobody can tell how much it is going to cost, but it could not cost more than what you are going to spend on another alternative."

### POINT OF INQUIRY

Senator Mardesich: "Would Senator Hayner yield? Senator Hayner, when I was passing by the corner there, a moment ago, you related an incident over in your area with respect to historical sites. Would you repeat that story for the benefit of the whole Senate?"

Senator Hayner: "Well, it was rather interesting because I came in contact with a situation that occurred in Walla Walla. I didn't realize it was so easy to have a building placed on the historical record. If you walk down the street and you see a building that you think is kind of an antique, and you like the looks of it, all you have to do as an individual is write to the conservator here in this state and ask that that be put on the register of the state as an historical building, and he comes over with several people and looks at the building and makes a determination of whether or not indeed it should be, and if he thinks that it should, it goes on the register. He can then apply that it be placed on the national register, and you may be occupying the building, and it may be put on the national register.

"What happened in Walla Walla was a particular building right in the middle of town was put on the national register. It was then sold to a bank that wanted to put a new building up. They got permission from the federal government. They had to have a permit from them, although they were not asking for any money, and they began tearing the building down, whereupon the group that had given it the national registration said that they could not tear it down. They had a lawsuit between two of the federal agencies, as a matter of fact. But the building was already down by that time, so that there was not much they could do about it, but it was a lesson in the fact that if you really want to get a building on the register, it really is very easy to do so.

"Then you are somewhat limited in what you can do if you have to have any permits from the federal government because they will deny them if it is on the national record, on the national historic record."

Debate ensued.

### MOTION

On motion of Senator Rasmussen, Senate Bill No. 2512 was ordered held on the third reading calendar for May 4, 1977.

### SECOND READING

SENATE BILL NO. 2858, by Senators Woody, Fleming and Buffington:  
Changing the law on solid waste.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2858 was substituted for Senate Bill No. 2858, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2858 was advanced to third reading, the second 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. 2858, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senators Mardesich, McDermott—2.

Absent or not voting: Senators Henry, Wanamaker—2.

Excused: Senators Cunningham, Grant—2.

SUBSTITUTE SENATE BILL NO. 2858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2638, by Senator Day:

Relating to on-site sewage systems.

## MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2638 was substituted for Senate Bill No. 2638, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2638 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Would Senator Day yield? Senator, when you say this bill won't cost anything, I assume you are talking about DSHS."

Senator Day: "I am talking about that there is no appropriation in here for any additional development or that type of thing. All they will have to do is hold a public hearing and adopt rules relative to the technical knowledge that they presently have about alternative systems, and as they develop, of course, they can add them as available alternatives for the local authorities to utilize."

Senator Wilson: "Right. My question is, has there been any cost estimate as to what this will cost the county governments in terms of the work that their people will have to do?"

Senator Day: "They are already having the problem of the failures, and in some areas there are no viable alternatives. It shouldn't cost them any more than they are presently spending except that when they put one of these waterless units in, for

example, it will eliminate their having to run out to inspect where sewage is coming to the surface, et cetera, Senator, so that there should not be any additional cost to local government with this bill. It gives them the right to choose an alternative that the department has said is an acceptable alternative. That is the only change, really."

Debate ensued.

### POINT OF INQUIRY

Senator Gaspard: "Mr. President, will Senator Day yield to a question? Senator Day, I very much support this idea of the alternative system because in our county we no longer have it, but on a quick reading of the bill, it looks like it only applies to existing facilities where they have failed. Is there anything in the bill that would apply to sites that will not, and cannot pass a perk test to allow that site to construct and have an alternative system?"

Senator Day: "Yes, it is my understanding that the department already has that authority. Really, what the bill does is to say to the department, 'Let's get busy and extend what you have already done in recognizing viable alternatives.' This does, in addition, for replacement purposes give the local authorities the needed law so that they can waive some of the plumbing codes, and I believe that would also apply to a new installation. That is the intent."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2638, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Hayner, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wojahn, Woody—37.

Voting nay: Senators Jones, McDermott, Odegaard, Pullen, Sellar, Wilson—6.

Absent or not voting: Senators Guess, Henry, Monohon, Washington—4.

Excused: Senators Cunningham, Grant—2.

SUBSTITUTE SENATE BILL NO. 2638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 3036, by Senators Van Hollebeke and Mardesich:  
Authorizing class H licenses for facilities adjacent to domestic wineries.

### MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 3036 was substituted for Senate Bill No. 3036, 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 2, after line 17, add a section as follows:

"Sec. 2. Section 1, chapter 245, Laws of 1943 and RCW 66.44.310 are each amended to read as follows:

(1) It shall be a misdemeanor,

(a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern;

(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to or remaining on the premises of any tavern.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Notwithstanding the provisions of this section and the provisions of RCW 26.28.080 as now or hereafter amended, it shall be lawful for a person under the age of twenty-one years to be on and remain on the licensed premises when accompanied by the licensee or his agent during times the licensed premises is not open for the sale of alcoholic beverages."

On motion of Senator Wanamaker, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "control;" strike "and" and on line 4 of the title, after "66.28.010" insert "; and amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310"

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 3036 was advanced to third reading, the second 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. 3036, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—32.

Voting nay: Senators Buffington, Francis, Goltz, Gould, Guess, Hayner, Lewis, McDermott, North, Pullen, Ridder, Scott, Wilson, Wojahn—14.

Absent or not voting: Senator Bausch—1.

Excused: Senators Cunningham, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Marsh, the following Senate Bill was rereferred to the Committee on Rules.

SENATE BILL NO. 2490, by Senators Morrison and Washington:  
Creating the Yakima river conservation area.

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, point of parliamentary inquiry. There was a motion to reconsider a bill. I am sorry, I can't remember the number, and we are on the eighth order of business. If we pass through without reconsidering—the bill has then passed the Senate. Is that correct?"

## REPLY BY THE PRESIDENT

President Cherberg: "That is correct, Senator Bottiger."

## PARLIAMENTARY INQUIRY

Senator Bottiger: "The effect of not considering it is to pass the bill."

## REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Bottiger."

## MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 27, creating the small business committee and empowering it to review matters relating to small business enterprises (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

Passed to Committee on Rules for second reading.

April 29, 1977.

SUBSTITUTE HOUSE BILL NO. 238, revising law relating to public works contract (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

May 3, 1977.

HOUSE BILL NO. 474, allowing payment in full of retainage in contracts (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

Passed to Committee on Rules for second reading.

May 3, 1977.

HOUSE BILL NO. 649, implementing law relating to cosmetology (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

May 3, 1977.

HOUSE BILL NO. 653, safeguarding the purchaser's contribution of money toward construction, completion, or maintenance of improvements to a land development (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 732, modifying dates for filing of financial statements by industrial loan companies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Clarke, Jones, Walgren.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:30 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Wednesday, May 4, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, May 4, 1977.

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 Buffington, Cunningham, Herr and Pullen. On motion of Senator Jones, Senator Cunningham was excused. On motion of Senator Talley, Senator Herr was excused.

The Color Guard, consisting of Pages Doug Dunmire and Mary Johnson, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O GOD OF GENEROSITY, THREE THINGS WE ASK THIS DAY. PERMIT US TO KNOW WHAT WE WANT, BOTH INDIVIDUALLY AND AS A CONSTITUENCY. MAKE PLAIN AND CLEAR OUR OWN DESIRES. PERMIT US ALSO TO SEE WITH EVER GREATER CLARITY WHAT YOU WANT, FOR US AS SENATORS, AND ALSO FOR US AS THE GROUPS OF WASHINGTON CITIZENS WE REPRESENT. FINALLY, PERMIT US TO LIVE HONESTLY AND OPENLY WHEN THE TENSIONS BETWEEN THESE TWO SURFACE AS WELL AS WHEN THEY ARE ONE. SO BE OUR GOD, AND WE SHALL BE THY PEOPLE. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORT OF STANDING COMMITTEE

May 3, 1977.

SENATE BILL NO. 3015, providing for a liquified natural gas hazards management study (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Senators Beck, Clarke, Fleming, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sandison, Sellar, Talley, Walgren.

Referred to Committee on Ways and Means.

### MESSAGES FROM THE HOUSE

May 3, 1977.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 43,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 292,  
 SUBSTITUTE HOUSE BILL NO. 293,  
 SUBSTITUTE HOUSE BILL NO. 348,  
 ENGROSSED HOUSE BILL NO. 365,  
 HOUSE BILL NO. 447,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 508,  
 SUBSTITUTE HOUSE BILL NO. 773,

SUBSTITUTE HOUSE BILL NO. 854,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,  
 HOUSE BILL NO. 1293, and the same are herewith transmitted.  
 DEAN R. FOSTER, Chief Clerk.

May 3, 1977.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 685,  
 ENGROSSED HOUSE BILL NO. 708,  
 SUBSTITUTE HOUSE BILL NO. 837,  
 ENGROSSED HOUSE BILL NO. 1133,  
 SUBSTITUTE HOUSE BILL NO. 1142,  
 ENGROSSED HOUSE BILL NO. 1164,  
 SUBSTITUTE HOUSE BILL NO. 1348, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.

May 3, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLU-  
 TION NO. 117, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 2315.

#### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 43, by Committee on Parks and Recreation  
 (originally sponsored by Representatives Hurley (Margaret), Lee, North and  
 Gaines):

Planning urban area state parks.

Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, by Committee on  
 Local Government (originally sponsored by Representatives Valle, Chandler,  
 Thompson and Fischer):

Changing water district comprehensive planning and finance law.

Referred to Committee on Ecology.

SUBSTITUTE HOUSE BILL NO. 293, by Committee on Local Government  
 (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer):

Clarifying and changing sewer district finance law.

Referred to Committee on Ecology.

SUBSTITUTE HOUSE BILL NO. 348, by Committee on Social and Health  
 Services (originally sponsored by Representatives Fortson, Kreidler, Lux, Adams,  
 Pearsall, Pruitt and Haley):

Permitting emergency suspension or restriction of nursing home operations.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 365, by Representatives Lysen, Sherman  
 and Knedlik:

Requiring total life-cycle cost analysis of proposed action by governmental unit  
 or agency.

Referred to Committee on State Government.

HOUSE BILL NO. 447, by Representatives Warnke, Greengo and Polk (by Department of Motor Vehicles request):

Extending the grounds for suspension or revocation of real estate sales licenses, and exempting brokers from the vehicle dealers' and salesmen's license requirements in certain cases.

Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 508, by Committee on Social and Health Services (originally sponsored by Representatives O'Brien, Fischer and Lux):

Regulating the sale of hypodermic needles.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 685, by Committee on Financial Institutions (originally sponsored by Representatives Fischer, Eng, Knowles, Polk, Winsley, Newhouse and McCormick):

Authorizing financial institutions to participate in electronic fund transfer systems.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 708, by Representatives Charnley, Hansen, Gilleland, Chandler, Burns, Douthwaite, Conner, Paris, Pruitt, Nelson (Dick) and Lux:

Authorizing the traffic safety commission to engage in programs relating to bicycle use and safety.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 773, by Committee on Revenue (originally sponsored by Representatives Fuller, Ehlers, Paris, Berentson, Zimmerman and Thompson):

Modifying the forest excise tax laws.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 837, by Committee on Appropriations (originally sponsored by Representatives North, Knedlik, Chandler, Sherman and Fortson):

Providing for preservation of the Mount Si and Little Si area.

Referred to Committee on Parks and Recreation.

SUBSTITUTE HOUSE BILL NO. 854, by Committee on Institutions (originally sponsored by Representatives Hanna, Adams, Kreidler, Deccio and Haley):

Modifying the law on residential school placement review.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1133, by Representatives Conner, Kilbury, Gallagher, Knowles, McCormick, Hanna, Grier, Struthers, Fuller and Gaines:

Authorizing certain golfing sweepstakes under gambling act.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 1142, by Committee on Judiciary (originally sponsored by Representatives Knowles and Smith):

Requiring felony judgments to contain fingerprints of the person convicted.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1164, by Representative Smith:

Modifying the laws regulating driving while under the influence of intoxicating liquor.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, by Committee on Social and Health Services (originally sponsored by Representatives Fortson, Shinpoch, Haley, Newhouse, Adams, Hanna, Whiteside and Lux):

Requiring independent audits for nursing homes.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1293, by Representative Hawkins:

Clarifying which public officials must disclose their finances.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 1348, by Committee on Insurance (originally sponsored by Representative Knedlik):

Providing for increased coverage for uninsured motorists at the purchaser's option.

Referred to Committee on Financial Institutions and Insurance.

#### MOTION

At 9:12 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 11:15 a.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3024.

#### SECOND READING

SENATE BILL NO. 3024, by Senators Peterson, Talley and Wanamaker:  
Establishing a new policy of fisheries for the state.

#### MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3024 was substituted for Senate Bill No. 3024, 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 1, line 24, after "meal" insert ": PROVIDED, That edible food fish shall not be used for animal or fish feed"

#### POINT OF INQUIRY

Senator Peterson: "Will Senator Rasmussen yield? Senator Rasmussen, I agree with your philosophy on your amendment, however are you not opening the door with your amendment, then, to say that the department can go back and further the sale of edible fish to canneries which, in effect, competes with our commercial fishermen?"

Senator Rasmussen: "No, Senator Peterson, I am not saying anything about that. With our present harvesting techniques that we have we hope, we are very hopeful that we will not have that surplus. What they do is they give away the carcasses to the Indians, and in particular the Puyallup tribe, I forget how many thousand fish that were given to the Indians this year, and I just want to make sure that we are leaving that open so that they can supply edible food fish."

Senator Peterson: "I appreciate what you are trying to do, but I think you are opening a Pandora's box here, and I think, Senator Rasmussen, that the language of the bill on page 1, line 22 'To the extent feasible, all available salmon and salmon

carcasses. . . shall be diverted to animal and fish feed and/or fish meal,' but if your amendment is added on here, that would mean, in effect, that all of the edible fish, whoever makes that determination could go on the open market. This is one of the things that we have been trying to avoid and been trying to get away from for a number of years, and I don't think that this language is going to accomplish what you want it to do."

On motion of Senator Donohue, the following amendment to the amendment by Senator Rasmussen was adopted:

On line 3 of the Rasmussen amendment to page 1, line 24, after "used" insert "exclusively"

#### REMARKS BY SENATOR PETERSON

Senator Peterson: "I just want to make it clear to the body and have it inserted into the record that we are certainly not by this amendment opening it up for the department of fisheries to sell surplus fish on the open market in competition with the existing user groups. This is what we have been trying to get away from, and with that understanding, I will support the amendment."

The motion by Senator Rasmussen carried and the amendment, as amended, was adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3024, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senators Fleming, Peterson, Sandison—3.

Absent or not voting: Senators Grant, Mardesich, Pullen—3.

Excused: Senators Cunningham, Herr—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Walgren assumed the Chair.

#### MOTIONS

On motion of Senator Odegaard, Senators Henry, Keefe, Marsh, Rasmussen and Talley were excused.

On motion of Senator Jones, Senator Pullen was excused.

On motion of Senator Sandison, the Senate advanced to the seventh order of business.

On motion of Senator Sandison, the Senate commenced consideration of Senate Bill No. 2512.

## THIRD READING

SENATE BILL NO. 2512, by Senators von Reichbauer, Ridder and Murray:  
Giving preference to the acquisition of historic landmarks for public needs.

## MOTIONS

On motion of Senator Odegaard, the rules were suspended and Senate Bill No. 2512 was returned to second reading.

On motion of Senator Odegaard, the following amendment by Senators Odegaard and von Reichbauer was adopted:

On page 1, line 17, after "landmarks" strike "or portions thereof"

On motion of Senator von Reichbauer, the following amendments were adopted:

On page 1, lines 7 and 8, after "designated" strike "or eligible for designation"

On page 1, line 15, strike "shall" and insert "may"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 2512 was advanced to third reading, the second 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. 2512, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Jones, Lewis, Mardesich, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senator Woody—1.

Excused: Senators Cunningham, Henry, Herr, Keefe, Marsh, Pullen, Rasmussen, Talley—8.

ENGROSSED SENATE BILL NO. 2512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Jones, Senator Guess was excused.

On motion of Senator Sandison, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 2194, by Senators Woody and Donohue:

Requiring cities to negotiate filing fee for justice court hearing cases involving city ordinance violations.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2194 was advanced to third reading, the second 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. 2194, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 4; excused, 8.

Voting yea: Senators Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Jones, Lewis, Mardesich, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—36.

Voting nay: Senator Washington—1.

Absent or not voting: Senators Bausch, Bluechel, Francis, Matson—4.

Excused: Senators Cunningham, Guess, Henry, Herr, Keefe, Marsh, Rasmussen, Talley—8.

SENATE BILL NO. 2194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2293, by Senators Francis, Clarke and Van Hollebeke (by Judicial Council request):

Decriminalizing certain traffic offenses.

## REPORT OF STANDING COMMITTEE

April 12, 1977.

SENATE BILL NO. 2293, decriminalizing certain traffic offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 27, after "order" and before "shall" insert "as to all traffic infractions except standing or parking violations".

On page 7, line 18, after "order" and before "shall" insert "as to all traffic infractions except standing or parking violations".

On page 8, line 3, after "order" and before "shall" insert "as to all traffic infractions except standing or parking violations".

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Jones, 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, the rules were suspended, Engrossed Senate Bill No. 2293 was advanced to third reading, the second 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. 2293, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Jones, Lewis, Mardesich, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—38.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Hayner, Matson—2.

Excused: Senators Cunningham, Guess, Henry, Herr, Keefe, Marsh, Rasmussen, Talley—8.

ENGROSSED SENATE BILL NO. 2293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2306, by Senators Herr, Woody and Lewis:  
Changing the requirements for vehicle accident liability insurance.

### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2306 was substituted for Senate Bill No. 2306, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2306 was advanced to third reading, the second 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. 2306, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Jones, Mardesich, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senators Hayner, Lewis, Sandison—3.

Excused: Senators Cunningham, Henry, Herr, Keefe, Marsh, Rasmussen, Talley—7.

SUBSTITUTE SENATE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2336, by Senators Rasmussen, Newschwander, Cunningham and Day (by State Treasurer Chairman, Finance Committee request):  
Giving the state finance committee full authority to invest retirement funds.

### MOTION

On motion of Senator Sandison, Senate Bill No. 2336 was rereferred to the Committee on Rules.

President Pro Tempore Henry assumed the Chair.

### SECOND READING

SENATE BILL NO. 2389, by Senator Day:  
Providing for payment of fees for state laboratory services.



## MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2389 was substituted for Senate Bill No. 2389, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2389 was advanced to third reading, the second 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. 2389, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Lewis, Mardesich, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Bausch, Hayner, Matson—3.

Excused: Senators Cunningham, Herr, Keefe, Marsh, Rasmussen, Talley—6.

SUBSTITUTE SENATE BILL NO. 2389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Peterson, Engrossed Substitute Senate Bill No. 3024 was ordered immediately transmitted to the House.

## SECOND READING

SENATE BILL NO. 2465, by Senators Francis, Bottiger, Woody, Clarke and Washington:

Governing the publication of the reports of the supreme court and court of appeals.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2465 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 Francis yield? Senator Francis, would we distribute these court documents at cost or at enough money to come out on it? This is the thing that bothers me. If you are going to put the state printer, and having seen some of the state printer's bills, I very much doubt whether he can come under what the book printers are doing, because his charges are way outside of the normal."

Senator Francis: "Senator Guess, I don't know about the state printer's involvement in it except that right now they are printed by the state printer, and sold and distributed by Bancroft-Whitney, so the question really is how much of a markup is needed to handle the distribution itself, and we are planning to do it by means of a revolving fund so that as the attorneys and the libraries and the other people pay in, that will be used to pay for the distribution in future years, and we think we can get that cost down quite a bit. It does not go to the printing itself."

## POINT OF INQUIRY

Senator Buffington: "Will Senator Francis yield to a question? Senator Francis, in new section 2, on line 27 on the first page, it refers to an RCW, it says shall not be applicable to any of the moneys received or collected. Does that mean, then, that we are not going to be able to attribute those funds to the actual collections for these moneys in this new system?"

Senator Francis: "Senator Buffington, I would have to look at that. I know that the answer to your question is 'no'. As you recall, in the committee we were setting up a revolving fund. This does not prevent that."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2465, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Bausch, McDermott—2.

Excused: Senators Cunningham, Herr, Keefe, Marsh—4.

SENATE BILL NO. 2465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Odegaard, Senator Beck was excused.

## SECOND READING

SENATE BILL NO. 2530, by Senator Henry:  
Relating to motor vehicles.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2530 was substituted for Senate Bill No. 2530, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2530 was advanced to third reading, the second 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. 2530, and the bill passed the Senate by the following vote: Yeas, 40, nays, 2; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Lewis, Mardesich, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senators Hayner, Murray—2.

Absent or not voting: Senators Jones, Woody—2.

Excused: Senators Beck, Cunningham, Herr, Keefe, Marsh—5.

SUBSTITUTE SENATE BILL NO. 2530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2591, by Senators Sandison and Guess:  
Relating to postsecondary education.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2591 was substituted for Senate Bill No. 2591, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2591 was advanced to third reading, the second 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. 2591, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Beck, Cunningham, Herr, Keefe—4.

SUBSTITUTE SENATE BILL NO. 2591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2608, by Senators Francis, Buffington, and Marsh:  
Revising laws relating to privacy of information about crimes and criminals.

## MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2608 was substituted for Senate Bill No. 2608, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Francis, the rules were suspended, Substitute Senate Bill No. 2608 was advanced to third reading, the second 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. 2608, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—42.

Voting nay: Senators Grant, Ridder, Wilson, Wojahn—4.

Excused: Senators Cunningham, Herr, Keefe—3.

SUBSTITUTE SENATE BILL NO. 2608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2809, by Senator McDermott:  
Relating to education.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2809 was substituted for Senate Bill No. 2809, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2809 was advanced to third reading, the second 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. 2809, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senators Guess, Murray—2.

Excused: Senators Cunningham, Herr, Keefe—3.

SUBSTITUTE SENATE BILL NO. 2809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2872, by Senator Marsh:

Revising out-dated and offensive language pertaining to the physically, mentally and sensory handicapped and providing a defined process to determine mental status due to incompetency or disability.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2872 was substituted for Senate Bill No. 2872, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, Substitute Senate Bill No. 2872 was advanced to third reading, the second 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. 2872, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Cunningham, Herr, Keefe—3.

SUBSTITUTE SENATE BILL NO. 2872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Odegaard, Senator Marsh was excused.

### SECOND READING

SENATE BILL NO. 2906, by Senator Fleming:  
Expanding the right to be free from discrimination.

### MOTIONS

On motion of Senator Francis, 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.

On motion of Senator Francis, the rules were suspended, 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 Rasmussen: "Will Senator Francis yield to a question? Senator Francis, I recently read in the newspaper where NOW, I don't know what that stands for, but NOW organization indicated that they were going out and boycott all of those merchants or legislators that were in any way involved in the ERA fight. Would this now make what their declared purpose is illegal? They adopted this by resolution at their convention."

Senator Francis: "Senator Rasmussen, I think if you read carefully the substitute bill which is floor number 645 in your book, it says, 'The discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement under standing policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States, and which is required or imposed either directly or indirectly overtly or covertly by a foreign government or foreign person in order to restrict, condition, prohibit or interfere with, or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, national origin or lawful business relationship,' and then it says, 'provided however, that it won't apply to bona fide labor disputes,' I think, then, that as

you read that, you will see that the answer to your question is 'no,' it would not apply to an organization within the United States such as NOW."

Senator Rasmussen: "Senator Francis, when you threw sex in there, you made it clear that it did apply to that, and they could not discriminate. I think this is a good bill and should be passed."

Senator Francis: "Senator Rasmussen, maybe you weren't paying attention, but that is in addition. It also has to be by a foreign government or a foreign person in every case, and in addition, they have to be excluding on the basis of race, color, et cetera, et cetera, so that those are conjunctive."

#### POINT OF INQUIRY

Senator Newschwander: "May I ask a question? Senator Francis, what business is the state getting into this problem? I thought this was a federal problem with the state department and the President in their relationship, and when are we starting to negotiate and set laws up . . . what business is it of the state? Why not let the new President and the secretary of state solve the problem, because I know it is a great concern at the federal level. I am just wondering what we are getting into it for."

Senator Francis: "Senator Newschwander, that thought was expressed in committee also, and the members finally concluded that we have a right and a duty to protect the business people of this state at least as far as making the laws of this state quite clear that people in this state have a right to do business where they wish without some of the kinds of boycotts that have been proposed and imposed, not only directly of those businesses, but of their suppliers and of other people who have done business with them. So, we just made a decision that as far as we are concerned, the business people in this state can choose who they are going to do business with. I am sure there will be other speakers on this bill who will go into that at more length."

Debate ensued.

#### MOTION

Senator Lewis moved the rules be suspended and Substitute Senate Bill No. 2906 be returned to second reading.

Debate ensued.

The motion by Senator Lewis failed on a rising vote.

#### POINT OF INQUIRY

Senator Matson: "Mr. President, just one question of Senator Francis if he would yield. The language on line 4, 'foreign person', could that conceivably mean an illegal alien?"

Senator Francis: "Before I answer that I want to know, if I say 'yes' will that get you to vote for the bill? 'Yes', that is my answer, Mr. President."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2906, and the bill passed the Senate by the following vote: Yeas, 33; nays, 9; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Jones, Mardesich, McDermott, Monohon, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—33.

Voting nay: Senators Benitz, Clarke, Guess, Lewis, Matson, Morrison, Newschwander, Pullen, Sellar—9.

Absent or not voting: Senators Bluechel, Hayner, Talley—3.

Excused: Senators Cunningham, Herr, Keefe, Marsh—4.

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.

## SECOND READING

SENATE BILL NO. 2211, by Senators Talley, Bausch and Marsh (by Department of Natural Resources request):

Authorizing commission on harbor lines to change harbor lines.

The bill was read the second time by sections.

## MOTIONS

On motion of Senator Odegaard, Senator Grant was excused.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, section 1, line 5, strike section 1 and insert the following:

"Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 69, Laws of 1972 ex. sess. (uncodified) is hereby amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the city of Renton, King county; Commencement Bay in front of the city of Tacoma, Pierce county, and within one mile of the limits of such city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county; the Columbia River in front of the city of Vancouver, Clark county; Port Townsend Bay in front of the city of Port Townsend, Jefferson county; the Swinomish Channel in front of the city of La Conner, Skagit county; and Port Gardner Bay in front of the city of Everett, Snohomish county, except no harbor lines shall be established west of the easterly shoreline of Jetty Island as presently situated or west of a line extending S 37° 09' 38" W from the Snohomish River Light (5)."

On motion of Senator Peterson, the rules were suspended, Engrossed 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 Engrossed Senate Bill No. 2211, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder,

Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Gould—2.

Excused: Senators Cunningham, Grant, Keefe—3.

ENGROSSED 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.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2654, by Committee on Ecology (originally sponsored by Senator Bottiger):

Modifying public notice and judicial review provisions of the environmental policy act.

The Senate resumed consideration of Substitute Senate Bill No. 2654. The bill had been amended on May 3, 1977 and an amendment by Senator Woody to page 5, inserting a new section 3, had been moved for adoption. Senator Washington had raised a Point of Order on the amendment and the bill was held for further consideration today.

There being no objection, on motion of Senator Woody, the proposed amendment was withdrawn.

## MOTION

On motion of Senator Woody, Substitute Senate Bill No. 2654 will be considered following the noon recess.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3048.

## SECOND READING

SENATE BILL NO. 3048, by Senator Jones:

Making judgments effective for twelve years.

The bill was read the second time by sections.

On motion of Senator Jones, the rules were suspended, Senate Bill No. 3048 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. 3048, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Francis, Gaspard, Guess, Hayner, Henry, Herr, Jones, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senators Bottiger, Fleming, Goltz, Grant, Mardesich, McDermott, Rasmussen, Sandison, Talley, Woody—10.

Absent or not voting: Senators Day, Gould—2.

Excused: Senators Cunningham, Keefe—2.



SENATE BILL NO. 3048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, all bills passed in the Senate today were ordered immediately transmitted to the House.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 3066, by Committee on State Government (originally sponsored by Senators Walgren, Rasmussen, Clarke, Marsh, Talley and Newschwander):

Establishing an office for coordination and assistance to prosecuting attorneys.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, and Substitute Senate Bill No. 3066 was returned to second reading.

Senator Rasmussen moved adoption of the following amendment:

On page 4, following line 3, add a new section to read as follows:

"NEW SECTION. Sec. 4. The office of prosecution coordination shall not receive any appropriation of state of Washington funds for any purpose whatsoever."

Renumber the following sections.

Debate ensued.

#### POINT OF INQUIRY

Senator Francis: "Will Senator Rasmussen yield to a question? Senator Rasmussen, I don't see any punishment or penalty in there in your amendment. I am just wondering if, say, the 1978 or 1979 legislature should appropriate money for this, do we go to jail or just what happens if we do actually go ahead and violate this statute and appropriate money to these people?"

Senator Rasmussen: "I would presume, Senator Francis, with the wisdom and the ability of the attorneys that we have on this floor, working in committee, that they would become aware of that section of the law, and if they decided to grant moneys through the appropriation process in their committees, and it came to Senator Donohue's committee, appropriation, ways and means, that he would catch it if they didn't, so you would not be violating the law. I have a lot of confidence in the attorneys on this floor and the chairman of ways and means."

Senator Francis: "I take it also, Mr. President, that if Senator Donohue and a majority of the members of the legislature want to appropriate money in some future biennium, they could also with the same number of votes, repeal this section quite easily."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, I was just wondering if the state is not going to help fund this when the LEAA funds run out, which I understand they will do. If this amendment were adopted, who is going to pay for it then, Senator Rasmussen?"

Senator Rasmussen: "Senator Odegaard, we passed through the Senate a bill that was doubling the amount that—. The county officials' association, I forget the right name of it, they are going to have double the amount of money, and part of that was to go to assist in this effort, the local funds."

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted on a rising vote.

On motion of Senator Mardesich, the following amendment was adopted:

On page 4, line 7, insert a new section as follows:

"NEW SECTION, Sec. 5. The office of prosecution coordination shall cease to exist on March 31, 1979, unless extended by law for an additional fixed period of time."

On motion of Senator Mardesich, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "attorneys;" strike "and" and on line 2 after "RCW" insert "; and providing for the expiration of the state agency created herein"

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3066, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 38; nays, 7; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Bluechel, Jones, Murray, Pullen, Sellar, von Reichbauer, Wanamaker—7.

Absent or not voting: Senators Gould, Mardesich—2.

Excused: Senators Cunningham, Keefe—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 118, by Senators Walgren, Sandison, Matson and Newschwander:

Amending Senate Concurrent Resolution No. 113.

### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 118 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 118 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

On motion of Senator Sandison, all bills passed by the Senate today were ordered immediately transmitted to the House.

At 1:10 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

#### MOTION

On motion of Senator Walgren, the following bills were returned to the Committee on Rules:

SENATE BILL NO. 2168, by Senators Odegaard, Donohue and Clarke (by Legislative Budget Committee request):

Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.

SENATE BILL NO. 2269, by Senators McDermott, Murray and Gaspard (by State Board of Education request):

Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.

#### MOTIONS

On motion of Senator Walgren, Senate Bill No. 2040 was made a special order of business for 3:00 p.m.

On motion of Senator Walgren, Senate Bill No. 2453 was made a special order of business for 3:30 p.m.

#### MOTION

Senator Marsh moved the following bill be referred to the Judiciary Committee:

SENATE BILL NO. 2744, by Senators Clarke, Woody, Lewis and Hayner (by Insurance Commissioner request):

Providing for products liability actions.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Mardesich: "Point of inquiry, Mr. President. I understand that at 4:00 p.m. today we can no longer consider Senate bills. Would a motion such as this have put the bill if it were called up just before four o'clock, would such a motion have put the bill in a posture for action after the four o'clock closing?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes so, Senator Mardesich."

#### MOTION

Senator Mardesich moved the motion by Senator Marsh be made a special order of business for 3:55 p.m. today.

## PARLIAMENTARY INQUIRY

Senator Clarke: "Matter of parliamentary inquiry. I would assume if that is made a special order of business, then the entire bill, including final passage if the body so desired to act, would also continue beyond the four o'clock deadline."

## REPLY BY THE PRESIDENT

President Cherberg: "That is true, Senator Clarke. The President has always believed that once consideration has been started upon a bill, that it should be completed."

## PARLIAMENTARY INQUIRY

Senator Bluechel: "As I understand the motion, the motion is to move the bill to judiciary, it is not to hear the bill at three fifty-five. If the motion to move the bill to judiciary is considered at three fifty-five, what effect would this have? Would the bill be before us if we did not move it to judiciary at that time?"

## REPLY BY THE PRESIDENT

President Cherberg: "The bill would be before the Senate for disposition at the pleasure of the members of the Senate."

## PARLIAMENTARY INQUIRY

Senator Bluechel: "Would it be permissible to change the amendment to state—make Senate Bill 2744 a special order of business at three fifty-five?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that inasmuch as Senate Bill 2744 would be before the Senate at three fifty-five as a special order of business, the fate of the bill would be determined by the members of the Senate. The President believes that the members of the Senate could determine whatever they wish in regard to the bill."

The motion by Senator Marsh, as amended by Senator Mardesich, that Senate Bill No. 2744 be referred to the Judiciary Committee was made a special order of business for 3:55 p.m. today.

## SECOND READING

SENATE BILL NO. 3093, by Senator Henry:  
Relating to the construction of state ferries.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 3093 was substituted for Senate Bill No. 3093, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, additional sponsors were permitted on the amendment to be proposed by Senator Henry.

On motion of Senator Henry, the following amendment by Senators Henry, Walgren, Beck, Bottiger, Wanamaker, Guess, von Reichbauer, Rasmussen and Bluechel was adopted:

On page 1, on line 19, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 47.60 RCW a new section to read as follows:

(1) The Washington state toll bridge authority shall, no later than January 1, 1980, elect to negotiate a contract with any shipbuilding firm, which has prequalified under section 2 of this 1977 amendatory act, for the construction of one or more ferry vessels for the Washington state ferries. Whenever the toll bridge authority begins such negotiations, it shall proceed in the manner provided by this section.

(2) Whenever the Washington state toll bridge authority decides to procure one or more ferry vessels for the Washington state ferries by negotiated contract pursuant to this section, it shall determine the number of vessels to be constructed, the money available for these purposes, any performance criteria or requirements which the boat, as constructed, must meet, and any other information related to the procurement which the toll bridge authority deems pertinent.

(3) Whenever the toll bridge authority elects to negotiate a contract for the design and/or construction of one or more ferry vessels, it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade paper and one other paper, both of general circulation in the state. The notice shall contain, but not be limited to, the following information:

(a) The number of ferry vessels to be built, their vehicular and passenger capacity, and the proposed delivery date for each vessel;

(b) A short summary of the requirements for prequalification contained in section 2 of this 1977 amendatory act, including a statement explaining that prequalification is a prerequisite to consideration by the toll bridge authority of any ferry vessel proposal;

(c) An address and telephone number which may be used to obtain the application forms for prequalification and the request for proposal.

(4) The authority shall send to any firm which shall request it and to any firm known to the authority which has previously expressed an interest in constructing ferries for the Washington state ferry system a request for proposal outlining the design and construction requirements for the ferry vessels. The request for proposal shall include, but not be limited to, the following information:

(a) Solicitation of a proposal which provides complete design specifications and details sufficient for the construction of ferry vessels which meet or exceed performance criteria specified by the authority;

(b) The number of vessels to be contracted for;

(c) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance trials will be held;

(d) The maximum funds which can be expended for procurement and an explanation that no proposal will be considered which quotes a price greater than that amount;

(e) The amount of the contractor's bond;

(f) A copy of any contract plans and specifications for ferry vessels possessed by the department of highways which the authority determines might be useful to firms in preparing proposals;

(g) The date by which proposals for ferry vessel design and construction must be received by the authority in order to be considered;

(h) A requirement that all designs submitted shall conform to the American bureau of shipping and the United States coast guard standards for the design of passenger vessels;

(i) A statement that any proposal submitted shall constitute an offer and shall remain open until ninety days after the deadline for submitting proposals, unless the firm submitting it shall withdraw it by formal written notice received by the toll bridge authority prior to the authority's selection of the firm submitting the most advantageous proposal; and

(j) A copy of chapter 47.60 RCW.

(5) The authority shall evaluate all timely proposals received from prequalified firms for compliance with the requirements specified in the request for proposal, and, in addition, shall estimate the operation and maintenance costs of each firm's vessel design by applying appropriate criteria developed by the authority for this purpose.

(6) Upon concluding its evaluation, the toll bridge authority shall:

(a) Select the firm presenting the proposal most advantageous to the state, taking into consideration the requirements stated in the request for proposal and the in-state preference provided in section 8 of this 1977 amendatory act, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

The authority shall immediately notify those firms, which were not selected as the firm presenting the most advantageous proposal, of the authority's decision. The authority's decision shall be conclusive unless appeal therefrom shall be taken by an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the authority's final decision. The appeal shall be heard summarily within ten days after the same is taken and on five days notice thereof to the toll bridge authority. The court shall hear any such appeal on the administrative record which was before the authority. The court may affirm the decision of the authority or it may reverse the decision if it determines the action of the authority is arbitrary or capricious.

(7) Upon selecting that firm which has presented the most advantageous proposal and ranking the remaining firms in order of preference, the authority shall:

(a) Negotiate a contract with the firm presenting the most advantageous proposal; or

(b) In the event that a final agreement cannot be negotiated with the firm presenting the most advantageous proposal which is satisfactory to the authority, the authority may then negotiate with the firm ranked next highest in order of preference. Should it be necessary, the authority may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(8) In negotiating such a contract for the design and/or construction of ferry vessels, the authority may, subject to the provisions of RCW 39.25.020, authorize the use of foreign made materials and components in the construction of ferries in order to minimize costs.

(9) The authority may delegate any of the powers or duties conferred upon it by this section to the department of highways, and the department shall assume or perform those powers or duties.

**NEW SECTION.** Sec. 2. There is added to chapter 47.60 RCW a new section to read as follows:

The Washington state toll bridge authority shall require any firm desiring to contract for the construction of one or more ferry vessels for the Washington state ferries to prequalify for such work in the manner prescribed herein. The authority shall supply to such person, firm, or corporation a standard form of questionnaire and financial statement applicable to shipbuilders, including a complete statement of the financial ability and experience of such firm in shipbuilding. Such questionnaire shall be sworn to before a notary public. The authority shall certify as prequalified for the construction of ferry vessels only those firms which have all of the following requirements:

(1) Adequate financial resources or the ability to secure such resources;

(2) The necessary experience, organization, and technical qualifications to construct ferry vessels;

(3) The ability to comply with the required performance schedule taking into consideration all of the firm's existing business commitments;

(4) A satisfactory record of performance, integrity, judgment, and skills; and

(5) Be otherwise qualified and eligible to construct ferry vessels under applicable laws and regulations.

A refusal by the authority to certify a firm as prequalified to construct ferry vessels for the Washington state ferries shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five days after receiving notice thereof, which appeal shall be heard summarily within ten days after the appeal is taken and on five days' notice thereof to the authority. The court shall hear any such appeal on the administrative record which was before the authority. The court may affirm the decision of the authority or it may reverse the decision if it determines the action of the authority is arbitrary or capricious. A firm may reapply for certification after one year has elapsed from the date certification was denied.

The Washington state toll bridge authority may delegate to the department of highways any of the powers or duties conferred upon the authority by this section, and the department shall assume or perform those powers or duties.

NEW SECTION. Sec. 3. There is added to chapter 39.08 RCW a new section to read as follows:

The contractor's bond required by chapter 39.08 RCW in connection with any negotiated contract for the construction of one or more ferry vessels for the Washington state ferries shall be in an amount to be specified by the Washington state toll bridge authority in the request for proposal provided for in section 1 of this 1977 amendatory act. In no event shall the bond be for more than twenty-five percent of the total contract price of two or more ferry vessels nor more than fifty percent of the total contract price for a single vessel. In determining and fixing the amount of such bond the authority may take into account the financial resources required of all firms which prequalify to construct ferry vessels for the Washington state ferries, the number of vessels which may be constructed, and the time period in which the vessels are to be constructed.

The Washington state toll bridge authority may delegate to the department of highways any of the powers or duties conferred upon the authority by this section, and the department shall assume or perform those powers or duties.

Sec. 4. Section 3, chapter 207, Laws of 1909 as amended by section 2, chapter 28, Laws of 1915 and RCW 39.08.030 are each amended to read as follows:

The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the state of Washington, except as otherwise provided in section 3 of this 1977 amendatory act, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: **PROVIDED**, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: **PROVIDED**, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state,

county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of ..... dollars (here insert the amount) against the bond taken from ..... (here insert the name of the principal and surety or sureties upon such bond) for the work of \_\_\_\_ (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed) .....

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

Sec. 5. Section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor.



(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(4) Whenever the toll bridge authority or the department of highways has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the authority or the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the toll bridge authority or the department of highways may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

Sec. 6. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a

one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of ferry vessels to the state of Washington for use in transporting pedestrians, vehicles, and goods within or outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such ferry vessels; also sales of or charges made for labor and services rendered in respect to constructing or improving such ferry vessels.

Sec. 7. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied

by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: **PROVIDED**, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: **PROVIDED**, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by

the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned

by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) In respect to the use of ferry vessels of the state of Washington in transporting pedestrian or vehicular traffic within and outside the territorial waters of the state and in respect to the use of tangible personal property which becomes a component part of any such ferry vessel.

NEW SECTION. Sec. 8. There is added to chapter 47.60 RCW a new section to read as follows:

Whenever the Washington state toll bridge authority or department of highways shall award any ferry vessel construction contract, the authority or department shall enter into negotiations with or award the contract to the shipbuilding firm located within the state of Washington which has submitted the most advantageous proposal as determined by the authority pursuant to section 1 of this 1977 amendatory act or has submitted the lowest responsible bid, providing such bid or negotiated price does not exceed by more than six percent the lowest price proposal for a negotiated contract or the lowest comparable bid of any shipbuilding firm located outside the state of Washington.

NEW SECTION. Sec. 9. This 1977 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 motion of Senator Henry, the following amendment to the title was adopted:

On page 1, on line 1 of the title after "ferries;" strike the remainder of the title and insert "amending section 3, chapter 207, Laws of 1909 as amended by section 2, chapter 28, Laws of 1915 and RCW 39.08.030; amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; adding a new section to chapter 39.08 RCW; adding new sections to chapter 47.60 RCW; and declaring an emergency."

On motion of Senator Henry, the rules were suspended, Engrossed Substitute 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 Guess: "Mr. President, would Senator Henry yield? Senator Henry, the act that is before us is a rather decided departure from other pieces of legislation that the highway department and the toll bridge authority operate under. Is there any chance by the adoption of this amendment that we will give them the right on other jobs to operate with the same bonding authority?"

Senator Henry: "No."

Senator Guess: "Senator Henry, the negotiated type of contract is something that the state of Washington has never engaged in or permitted any of its agencies to engage in, in the past. Does this set a precedent that will cause any other agency to have that authority?"

Senator Henry: "It doesn't establish a precedent, but the highway department has, in one particular instance of a bridge on Snoqualmie Pass, entered into a negotiated contract. I might add that one of the things in this bill, as you probably know, is that it reduces the bonding from a hundred percent to fifty percent which, when you get into multimillion dollar contracts, to bond for the full amount is a very expensive procedure. That way we are hoping to get local participation within the state."

Senator Guess: "Thank you, Senator Henry."

#### POINT OF INQUIRY

Senator Rasmussen: "Will Senator Henry yield to a question? Senator Henry, section 5 of the information sheet suggests a couple of amendments. Were they put in the bill? I was scanning it quickly and I couldn't find—. While Senator Beck is looking that up, I have another question, Senator Henry. Sections 6 and 7, ferry vessel construction are exempted from sales and use taxes. It seems to me that all of our public buildings that we build are still subject to sales and use taxes. Is this correct?"

Senator Henry: "Well, this is a little different proposition. We are doing, following the precedent of California and some of the other states that in order to attract local bidders for what you are, in effect, is giving them a six percent preference, and that is not unusual. It is being done in other states."

Senator Rasmussen: "My concern, probably, is suppose I am a Japanese company and I come over here, and I wish to build. I bid on these, or a California firm. Could be, but build them in Tacoma or Seattle yards. You would still exempt them from sales and use taxes."

Senator Henry: "I don't think that condition could exist. In the first place, under the Jones Act, no foreign firm could build them, but yet I think it specifically states Washington corporations or Washington based firms."

Senator Rasmussen: "I didn't see that in there. It is entirely possible that I could be a California firm and have a branch, make a branch yard up here and—."

Senator Henry: "My attorney says he couldn't do business without incorporating."

Senator Rasmussen: "Of course, you know the secretary of state's office is back a few years on the incorporation. It is barely possible they could do business and never catch up with them for two years and build the ferries."

Senator Henry: "I think that is a partisan statement. Senator Rasmussen."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3093, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Cunningham—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2482.

### SECOND READING

SENATE BILL NO. 2482, by Senators Francis, North and Fleming:  
Revising laws against discrimination.

### REPORT OF STANDING COMMITTEE

March 21, 1977.

SENATE BILL NO. 2482, revising laws against discrimination (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 34, after "section" and before "of this 1977" strike "36" and insert "34"

On page 11, line 18, after "sexes" strike all of the material down to and including "class" on line 24

On page 20, line 29, after "order of" and before "may" strike "a hearing tribunal" and insert "((a hearing tribunal)) an administrative law judge or the commission"

On page 24, line 31, strike all of the subsection (1) and renumber the remaining subsections consecutively

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to pages 2, 11 and 20 were adopted.

Senator Francis moved adoption of the committee amendment to page 24, line 31.

Debate ensued.

The motion by Senator Francis failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen and Lewis:

On page 8, line 20, after "pursuant to the" strike "terms of the gift, grant, or payment" and insert "provisions of chapter 49.60 RCW as now or hereafter amended"

On motion of Senator Francis, the following amendment to the amendment by Senators Pullen, Rasmussen and Lewis was adopted:

Amend the Pullen amendment to page 8, line 20, as follows: Restore "terms of the gift, grant, or payment" and after "payment" insert ", within the limitations of" and on line 3 of the amendment strike "provisions of"

The motion by Senator Pullen carried and the amendment, as amended, was adopted.

On motion of Senator Pullen, the following amendment by Senators Pullen, Francis and Lewis was adopted:

On page 11, line 4, after "involved" insert ": PROVIDED FURTHER, That nothing contained herein shall be construed to require any employer to hire any person for the purpose of meeting a requirement to employ a specified percentage of any category of persons"

#### MOTION

Senator Mardesich moved that Senate Bill No. 2482, as amended, be rereferred to the Judiciary Committee with instructions that it be referred back to the Senate the next session of the legislature.

Debate ensued.

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, Senator Francis, I have a concern also. On page 8, starting on line 13, that paragraph which talks about the cooperation and to act jointly and by division of labor with the United States, other states and political subdivisions of the state of Washington, and their respective human rights agencies, et cetera, and then the last sentence says: 'The commission may perform services for such agencies and be reimbursed therefor.' Would you explain to me exactly what that means? It sounds to me as though that they could act in any way they so desire, if the commission so desired, with other agencies, and require that those agencies reimburse them if they are billed for that service.

"We have no idea what that is going to cost. We don't know who they are going to be billing or who they are going to be working with."

Senator Francis: "Senator Donohue, in answer to your question, I will first point out that you read out loud the part that says, 'carry out the purposes of this human rights law.' I think that that subsection 7 would all be interpreted that they would be limited by that, the requirements of this statute. What we are talking about is, say a woman is denied employment and believes it is because of her sex. She goes to the EEOC, and that is a federal agency. The question is, are they going

to be duplicating the efforts of the human rights commission, or are we going to cooperate? Does that answer satisfy you, Senator Donohue?"

Senator Donohue: "No."

Senator Francis: "Did you hear any of it?"

Senator Donohue: "I heard enough to know that it didn't satisfy me."

Senator Francis: "I would really like you to be listening since you asked me these questions, and I think that that should have satisfied you if you were listening. Let me go over it again. The federal EEOC covers a lot of the same ground our state human rights law does. There is no reason for them to duplicate investigations if they can work together within their respective statutes to investigate a particular allegation or complaint. That is all it is talking about is to give them a right to work together."

#### POINT OF INQUIRY

Senator Guess: "Senator Francis, in looking at page 4, the expansion of the definition of religion, really stretches someone's imagination. You first say what religion is under 'creed'. 'Creed' includes religion and other fundamental matters of conscience having a place in a person's life comparable to religion in the life of a religious person. It does not include political persuasion or affiliation; then you describe religion as being inclusive of all aspects of religious observance and practice, as well as belief. Now, I can't imagine where you came up with that kind of a definition. I thought 'religion' had one definition, and it is a person who subscribes to a belief in a higher being. I think the expansion here could get the commission into matters that are certainly far and beyond that which we have normally expected the commission to be involved in.

"Somebody could think up their own deal. For instance, the internal revenue right now is fighting the tremendous number of people who are forming churches. You can write off to a mail order house in Tulsa, Oklahoma, and you can become a minister. You pay five dollars; you have three people that will meet with you once a week. They subscribe money to you and then through that technique, subterfuge, you become a minister and this would give you, grant you, further privileges that the law hasn't granted you before.

"While I am on my feet, I would also like to say that on line 29, if he is sensory handicapped, you wouldn't be able to deny him a job where the sense of smell is extremely important to, not only his life, but to the process that he might be engaged in. I think that the bill goes too far in that respect.

"Lastly, on page 19, it says 'age' means anybody between the age of forty and sixty-five, and I resent very bitterly that inclusion of that word there."

Senator Francis: "Thank you, Mr. President. Senator Guess, in reply to your question, I would say with regard to your concerns about people who may be abusing the privileges we give to those who are in religion, I would say that that is probably God's punishment for our abuse of the United States Constitution in that area which says we are not supposed to have an establishment of religion as it is. I think that we have always been violating the United States Constitution when we gave special tax breaks and other breaks to religious institutions. I think we are going to have to do something about that. However, here all they are talking about is, they are trying, themselves, to interpret our law in a constitutional manner, which means we don't mandate that in order for it to be religion, you have to believe in a higher being or some other thing, that its got to be a little broader than that or else we are running afoul of our own U. S. Constitution. I think if you read the whole bill you are not going to find any place where that word 'religion' as defined in this definition section is going to give you any problems whatsoever. I think, just to the contrary, you are going to be very satisfied with it.

"With regard to 'age', again, it is a matter of how are we using it in this law. We are talking about discrimination in employment on the grounds of age, and this simply provides that, in effect, you can discriminate against people over the age of sixty-five as far as hiring them. I have some problem with that myself. I don't like it, however I have seen in this Senate floor, time after time, that people have wanted to put various mandatory retirements in, and I would say that for practical purposes we had better accept the fact that a person sixty-five or over probably isn't going to be able to challenge an employer on the grounds of discriminating against them on age basis. Probably that is retirement age. That, at least, is where it looks to me like we are at this time.

"The last thing, when you talk about mental or physical handicap, as with all of the other provisions here, you know, there is an exception for bona fide occupational qualifications, or BFOQ's as they call them, so that if there is some reason why a person has to have a sense of smell in order to perform a particular task, of course, that is going to be an allowable criterion."

#### PERSONAL PRIVILEGE

Senator Fleming: "Point of personal privilege to ask Senator Mardesich because he didn't know I was going to speak, to be able to speak on the measure, to withdraw his motion."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask Senator Francis a question. Senator Francis, my concern, Senator Francis, is the administrative law judge and the fact that he can be removed by the chairman if anybody expresses prejudice against him, and I don't like that section of the bill. I am not very fond of administrative law judges anyway. It doesn't spell out the qualifications. They are not elected by anybody, but they build a case against you so that when you do go before a regular court, why you are practically dead before you start. I don't like that section. I kind of agree with those people that are—you probably ought to take another look, and if the judiciary committee has gone as far as it can in cleaning this bill up, they can send it up to state government, and we will work on it for another three years."

Senator Francis: "Mr. President, I am not exactly sure what the question was. The reason for changing it to administrative law judge was because it was felt by some employers that a hearing tribunal of three persons who were members of the board was much too oriented towards enforcement, and that an administrative law judge would be more fair to them. So that is the reason for this change. I think that most of these changes for those who actually work in the field are regarded as highly desirable."

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Francis yield to a question? Senator Francis, on page 3, line 30, I need a little explanation. It says, 'whether one or more natural or artificial persons'. Would you be kind enough to explain what these 'artificial persons' are?"

Senator Francis: "An artificial person is a corporation or other organization which is regarded as a person in the law."

(Senator Lewis then said without benefit of his microphone, 'is it necessary to call them an artificial person?')

Senator Francis continued: "and I think that here we are just making it very clear that we are talking about both individuals and organizations that are an entity that is called a 'person' within the law."

#### POINT OF INQUIRY

Senator Scott: "Would Senator Francis yield? Senator, I see where the commission will have the right to review the decision of the administrative judge. Does this not, in effect, give the plaintiff another cut that he does not have in the process now? Where is the balance in the process, that is what I am asking."

Senator Francis: "Senator Scott, I believe that either party can appeal the decision of an administrative law judge in this statute."

Senator Scott: "We are not speaking to the normal court appeal. I am talking to the provision in the section just below the reference to the administrative judge where a decision by him can be appealed to the commission. Does the commission hear both sides of the story?"

Senator Francis: "Would you show me what you are referring to? What section? Senator Scott, it is my position that both sides or either side could appeal. Yes."

The President declared the question before the Senate to be the motion by Senator Mardesich that Senate Bill No. 2482, as amended, be rereferred to the Judiciary Committee with instructions.

The motion by Senator Mardesich carried on a rising vote. Senate Bill No. 2482 was rereferred to the Judiciary Committee with instructions.

#### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2654.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 2654, by Committee on Ecology (originally sponsored by Senator Bottiger):

Modifying public notice and judicial review provisions of the environmental policy act.

The Senate resumed consideration of Substitute Senate Bill No. 2654. The bill had been amended on May 3, 1977. Earlier today Senator Woody withdrew an amendment to page 5, inserting a new section 3 on which a Point of Order had been raised by Senator Washington on May 3, 1977.

On motion of Senator Woody, the following amendment was adopted:

On page 7, beginning on line 23, strike all of section 4.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2654 was advanced to third reading, the second 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. 2654, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Keefe—1.

Excused: Senator Cunningham—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2654, having received the constitutional majority, was declared passed. 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. 2951.

### SECOND READING

SENATE BILL NO. 2951, by Senator Francis:

Authorizing summary probation after commitment.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2951 was advanced to third reading, the second 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. 2951, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Keefe—1.

Excused: Senator Cunningham—1.

SENATE BILL NO. 2951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2958, by Senator Francis:

Relating to courts of limited jurisdiction.

### MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2958 was substituted for Senate Bill No. 2958, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Francis, the rules were suspended, Substitute Senate Bill No. 2958 was advanced to third reading, the second 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. 2958, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Guess—1.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2958, having received the constitutional majority, was declared passed. 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. 2889.

## SECOND READING

SENATE BILL NO. 2889, by Senator McDermott:  
Relating to education.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2889 was substituted for Senate Bill No. 2889, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2889 was advanced to third reading, the second 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. 2889, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Cunningham—1.

SUBSTITUTE SENATE BILL NO. 2889, having received the 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. 2040, by Senators Fleming, North and Talley:  
Establishing a program to improve jails.



The time having arrived, the Senate commenced consideration of Senate Bill No. 2040.

### MOTIONS

On motion of Senator Fleming, Second Substitute Senate Bill No. 2040 was substituted for Senate Bill No. 2040, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the following amendments were considered and adopted simultaneously:

On page 3, line 3, after "diagnostic" delete ", preventive,"

On page 5, line 1, after "legislature" insert a comma

On page 6, line 31, after "section 5" delete "(7)" and insert "(5)"

On page 13, line 24, after "through" delete "15" and insert "16"

Senator Scott moved the following amendments by Senators Scott and Donohue be considered and adopted simultaneously:

On page 2, line 14, after "to" strike "provide" and insert "assist in providing"

On page 7, line 23, after "state" strike "fully funds" and insert "funds seventy-five percent of"

On page 10, line 28, after "receive" strike "full"

On page 10, line 29, after "for" insert "seventy-five percent of"

Debate ensued.

Senator Goltz moved adoption of the following amendments to the amendments by Senators Scott and Donohue:

Amend the Scott/Donohue amendment to page 7, line 23 as follows: Strike "seventy-five" and insert "ninety"

Amend the Scott/Donohue amendment to page 10, line 29 as follows: Strike "seventy-five" and insert "ninety"

Debate ensued.

The motion by Senator Goltz failed and the amendments to the amendments by Senators Scott and Donohue were not adopted on a rising vote.

Further debate ensued.

### POINT OF INQUIRY

Senator Bausch: "Would Senator Donohue yield to a question? Concerning the amendment, inasmuch as Thurston County is being bandied around here just a little bit, it recalls the fact that the state did purchase the Thurston County courthouse and jail for around two million dollars. It is costing ten million dollars through a bonding issue voted by the people here to replace that facility. I am concerned about in this amendment two things, first of all, is Thurston County still in, due to the eligibility, and how does that affect Thurston County?"

Senator Donohue: "Senator Bausch, on page 7, the last proviso, if I read it correctly, and on the advice of staff, there was an amendment in ways and means to change that language, but at the present time if this bill passes, the way I read it, and Thurston County has a ten million dollar bond issue to build a jail, the state of Washington is going to give Thurston County ten million dollars."

Further debate ensued.

Senator Wilson demanded a roll call and the demand was sustained by Senators Walgren, Fleming, Ridder, Washington, Clarke, North, Talley, Rasmussen and Mardesich.

### PARLIAMENTARY INQUIRY

Senator Newschwander: "Mr. President, we had a special order of business at three-thirty. What is the status of the special order of business?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President would suggest consideration of that immediately after completion of the activity on this particular measure."

The President declared the question before the Senate to be the roll call on the amendments by Senators Scott and Donohue to Second Substitute Senate Bill No. 2040.

## ROLL CALL

The Secretary called the roll on the amendments by Senators Scott and Donohue, and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Herr, Jones, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Scott, Van Hollebeke, Wanamaker, Woody—24.

Voting nay: Senators Bausch, Beck, Day, Fleming, Francis, Gaspard, Goltz, Grant, Keefe, Lewis, McDermott, Murray, North, Odegaard, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—23.

Absent or not voting: Senator Henry—1.

Excused: Senator Cunningham—1.

On motion of Senator Woody, the following amendment by Senators Woody and Mardesich was adopted:

On page 11, line 3, add a new section as follows:

"NEW SECTION. Sec. 12. Those governing units which have constructed facilities designed to upgrade jails shall have their retention facilities appraised and the state shall pay to those governing units a proportion of such appraisals in the same ratio as is payable to new facilities constructed under this act."

Renumber remaining sections consecutively.

On motion of Senator Fleming, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2040 was advanced to third reading, the second 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. 2040, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senators Mardesich, Newschwander, Odegaard, Scott, Woody—5.

Excused: Senator Cunningham—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2040, having received the constitutional 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 Grant moved the Senate do now consider the special order of business for 3:50 p.m., Senate Bill No. 2373.

Debate ensued.

## POINT OF INQUIRY

Senator Grant: "Mr. President, I wonder if Senator Walgren would yield to a question? Senator Walgren, my concern is that this may not be — this is a very good bill and it may not be considered if the cutoff is applied. Do you think this falls outside the provisions of the cutoff—"

Senator Walgren: "Senator Grant, that was a question that came to mind when Senator Keefe asked me about this, and I am not making the rulings, obviously, but it would seem to me that our cutoff resolution is drawn broadly enough so as to include this as being outside of the cutoff."

There being no objection, Senator Grant deferred his motion to a later time.

## SPECIAL ORDER OF BUSINESS

## SECOND READING

SENATE BILL NO. 2453, by Senators Donohue, Clarke and Henry:  
Modifying restrictions on small loan companies.

The time having arrived, the Senate commenced consideration of Senate Bill No. 2453.

The bill was read the second time by sections.

Senator Woody moved the following amendments by Senators Woody, Walgren, Fleming and Bluechel be considered and adopted simultaneously:

On page 1, line 27, after "~~((one))~~ strike "five thousand" and insert "two thousand five hundred"

On page 5, after "~~((one))~~" on line 22, strike "five thousand" and insert "two thousand five hundred"

On page 6, line 21, after "~~((one))~~" strike "five thousand" and insert "two thousand five hundred"

On page 6, line 34, after "~~month))~~ strike "or, as an alternative, one and one-half percent per month on the entire unpaid balance of the principal"

On page 10, line 12, strike "sixty" and insert "forty-eight"

On page 10, line 22, after "~~((one))~~" strike "five thousand" and insert "two thousand five hundred"

On page 10, line 27, after "~~((one))~~" strike "five thousand" and insert "two thousand five hundred"

On page 11, line 11, after "~~((one))~~" strike "five thousand" and insert "two thousand five hundred"

On page 11, line 22, after "~~((one))~~" strike "five thousand" and insert "two thousand five hundred"

## POINT OF INQUIRY

Senator Bottiger: "Would Senator Woody yield to a question? Senator Woody, everything you say I think is accurate except the section on page 10, line 12, strike 60 and insert 48. What you have done there is you have raised the amount of dollars to be loaned to the inflation factor, and I can understand that, but you have also extended the time to pay it back. If we were being accurate in just taking care of inflation we would return that back down to the twenty-four and a half months which is the present law."

Senator Woody: "Twenty-five months."

Senator Bottiger: "Well, twenty-five and a half. That way, the fifty-one dollars and fourteen cents that every bankruptcy attorney recognizes immediately would go to an increased inflation factor and people would not be in debt for these higher rates of interest for, in effect, four years, but only for the two years and one month that is the current practice."

Senator Woody: "In using the inflation factor, what I was doing, this is basically the same amendment that I attempted last year, and failed. The current amount is one thousand roughly going two and a half times that, went to twenty-five hundred. Roughly the payoff used to be twenty-five and one-half months, and if you go double that, you would hit fifty-one. I understand what you are talking about, but I used the amendments that we used last year, and they are roughly within the same area, but your comments are accurate."

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Woody, Walgren, Fleming and Bluechel:

Amend the Woody amendment of page 10, line 12, as follows:

Strike "forty-eight" and insert "twenty-five"

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendment was not adopted on a rising vote.

The motion by Senator Woody carried and the amendments by Senators Woody, Walgren, Fleming and Bluechel were adopted.

Senator Bottiger moved adoption of the following amendment by Senators Grant and Bottiger:

On page 10, line 8, insert a new subsection as follows:

"(8) No licensee shall execute any loan with knowledge that the borrower has an outstanding loan with any licensee operating pursuant to RCW 31.04 or RCW 31.08, unless such loan operates to discharge all such previous loans."

#### PARLIAMENTARY INQUIRY

Senator Clarke: "Point of parliamentary inquiry. We have a special order of business at three fifty-five, and it is now slightly beyond three fifty-five. Four o'clock is the cutoff date, and I would like a statement as to the status of the special order of business."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the clock on the wall is a little fast, Senator."

#### POINT OF INQUIRY

Senator Hayner: "Mr. President, would Senator Bottiger yield to a question? What kind of inquiry do you expect this licensee to make into whether or not this borrower has other loans outstanding, or debts outstanding?"

Senator Bottiger: "First of all, the borrower has to make an application. Secondly, there is an interchange of information between the lending companies. Some of them will deny that. Some of them will candidly admit that they do know who has got outstanding loans with other small loaning agencies. You can see it if you do very much bankruptcy work. You can see that there is never more than three, and that has got to tell you something, that somehow they know that there are the other two ones out there. I am suggesting that there is an interchange because I never see more than three. If they know that there is other outstanding small loans, they simply raise the amount of their loan and pay them off so that this person has one loan and not the three."

#### REPLY BY THE PRESIDENT (CONTINUED)

President Cherberg: "Senator Clarke, the President believes that you deserve a better answer. Inasmuch as deliberation of this measure is taking a little longer, it does not preclude the consideration of Senate Bill 2744."

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2453 was advanced to third reading, the second 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. 2453, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—36.

Voting nay: Senators Buffington, Gaspard, Keefe, McDermott, Monohon, Odegaard, Rasmussen, Ridder, Sandison, von Reichbauer, Washington, Wilson—12.

Excused: Senator Cunningham—1.

ENGROSSED SENATE BILL NO. 2453, having received the 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

SENATE BILL NO. 2744, by Senators Clarke, Woody, Lewis and Hayner (by Insurance Commissioner request):

Providing for products liability actions.

The time having arrived, the Senate resumed consideration of the motion by Senator Marsh that Senate Bill No. 2744 be referred to the Judiciary Committee.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained by Senators Woody, Donohue, Clarke, Rasmussen, Wojahn, Morrison, Lewis, von Reichbauer and Washington.

The President declared the question before the Senate to be the motion by Senator Marsh that Senate Bill No. 2744 be referred to the Judiciary Committee.

### ROLL CALL

The Secretary called the roll and the motion by Senator Marsh failed by the following vote: Yeas, 15; nays, 32; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Keefe, Marsh, Ridder, Talley, Van Hollebeke, Washington, Wojahn, Woody—15.

Voting nay: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Henry, Herr, Jones, Lewis, Mardesich, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Wilson—32.

Absent or not voting: Senator Sandison—1.

Excused: Senator Cunningham—1.

### SECOND READING

SENATE BILL NO. 2744, by Senators Clarke, Woody, Lewis and Hayner (by Insurance Commissioner request):

Providing for products liability actions.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2744 was substituted for Senate Bill No. 2744, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the following amendment by Senators Woody and Clarke was adopted:

On page 1, beginning on line 5, strike all of section 1.

Re-number remaining sections consecutively.

Senator Woody moved adoption of the following amendment:

On page 1, line 19, after "product," strike all of the remainder of section 2 through line 28.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President, I wonder if the Senate would proceed out of order and accept first those amendments which strike, whatever they are and whoever offers, so that we will then better be able to relate to what the discussion is, and I would make that in the form of a motion."

## REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises the President that there are two places where the Senate should have the privilege of trying to improve the measure before striking."

## PARLIAMENTARY INQUIRY

Senator Mardesich: "Could we go then to those two portions of the law first? Otherwise the contentions of both parties are correct, if you assume some of the provisions, some of the striking provisions."

## REPLY BY THE PRESIDENT

President Cherberg: "If there aren't any objections, Senator Mardesich."

## PARLIAMENTARY INQUIRY

Senator Clarke: "Parliamentary inquiry. What is now before the body?"

## REPLY BY THE PRESIDENT

President Cherberg: "The adoption of an amendment, and then Senator Mardesich has suggested a motion that the Senate proceed to those amendments dealing with striking various portions of the bill."

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Bottiger yield? Senator Bottiger, starting on line nineteen, if after the words 'it includes all' you inserted the words, 'product liability', would that solve your problem?"

Senator Bottiger: "Senator Mardesich, that is why I thought that we ought to sit down and study this, where you can go and read the lawsuits. What you would say, you would start out by defining product liability, and you have got about six lines of definition, and then you say it includes all product liability using the same word over again, based on the following theories. I really, honestly don't know what it means."

## REMARKS BY THE PRESIDENT

President Cherberg: "The Secretary advises that the Senate should consider the first three amendments by Senator Bottiger before considering the one pending, and the remaining amendments."

Senator Bottiger moved adoption of the following amendment:

On page 1, line 22, after "whether" strike "deliberate"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 1, line 23, strike "misrepresentation concealment or"

On page 1, line 23, after "whether" strike "fraudulent"

Debate ensued.

The motion by Senator Bottiger failed and the amendments were not adopted.

There being no objection, on motion of Senator Woody, the amendments by Senator Woody to page 1, line 19; page 2, line 12 and page 3, line 11, were withdrawn.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 1, strike "recklessness"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted.

There being no objection, on motion of Senator Bottiger, the remaining amendments by Senator Bottiger on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Clarke, the following amendments by Senators Woody and Clarke were considered and adopted simultaneously:

On page 3, line 28, after "after" strike "the manufacturer of the final product relinquished possession and control of the product or sold the product" and insert "the produce is first sold to any person not engaged in the business of selling the product"

On page 4, strike all of section 9.

Re-number remaining sections consecutively.

On page 4, beginning on line 29, strike all of section 10.

Re-number remaining sections consecutively.

On page 5, strike all of section 11.

Re-number remaining sections consecutively.

On page 5, beginning on line 29, strike all of section 12.

Re-number remaining sections consecutively.

Senator Woody moved the rules be suspended, Engrossed Substitute Senate Bill No. 2744 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Woody demanded a roll call.

## PARLIAMENTARY INQUIRY

Senator Clarke: "Matter of parliamentary inquiry. At this point of the proceedings, will a majority vote suspend the rules?"

## MOTION

At 4:58 p.m., on motion of Senator Walgren, the Senate recessed until 5:21 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 5:21 p.m.

## REPLY BY THE PRESIDENT

President Cherberg: "In reply to the inquiry made by Senator Clarke, the President finds that according to rule 59 and rule 70 that it would take a simple majority to suspend the rules and advance the bill."

There being no objection, the demand for a roll call by Senator Woody was withdrawn.

The motion by Senator Woody carried and Engrossed Substitute Senate Bill No. 2744 was advanced to third reading and final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2744, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, von Reichbauer, Wanamaker—32.

Voting nay: Senators Bausch, Bottiger, Fleming, Francis, Gaspard, Goltz, Grant, Marsh, McDermott, Ridder, Van Hollebeke, Walgren, Washington, Wilson, Wojahn, Woody—16.

Excused: Senator Cunningham—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 2744 was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 852.

## SECOND READING

HOUSE BILL NO. 852, by Representatives Boldt, Berentson, Lysen, Schmitten and Kilbury:

Permitting certain amendments to contracts for nuclear generating projects.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 852 was advanced to third reading, the second 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. 852, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.



Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—48.

Excused: Senator Cunningham—1.

HOUSE BILL NO. 852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 563.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 563, by Committee on Labor (originally sponsored by Representatives King, Charette and Kilbury):

Extending the labor dispute disqualification for unemployment benefits.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Morrison:

On page 1, strike everything after the enacting clause and insert the following:

"Section 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week (~~with respect to~~) in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week (~~with respect to~~) in which the individual next files an application for an initial determination after the expiration of (~~his~~) the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in (~~"employment" during his base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding his benefit year and either had "employment" in not less than sixteen weeks of his base year in each of which he earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had~~) "employment" in not less than six hundred eighty hours of (~~his~~) the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in

"employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for ~~((his))~~ the individual's new benefit year.

~~((As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the effective date of this 1973 amendatory act.))~~

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. Section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355 are each amended to read as follows:

On or before the fifteenth day of June of each year an "average annual wage", an "average weekly wage", ~~((a "qualifying annual wage", a "qualifying weekly wage";))~~ and an "average annual wage for contributions purposes" shall be computed from information for the preceding calendar year including corrections thereof reported within three months after the close of that year by all employers as defined in RCW 50.04.080. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall be divided by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". ~~((The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.))~~ The "average annual wage" for contribution purposes is the quotient derived by dividing total remuneration reported by all employers subject to contributions by the average number of workers reported for all months by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

Sec. 3. Section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such

workers, and until April 1, 1978, the number of weeks for which the worker earned the "qualifying weekly wage", and beginning July 1, 1977, the hours worked by each worker and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of ((weeks)) hours in a reporting period for which a worker ((earned the "qualifying weekly wage")) worked such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such ((weeks)) hours worked the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the ("qualifying weekly wage") state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, ((That the total number of weeks credited to the worker for any quarterly period shall not exceed thirteen weeks: PROVIDED, FURTHER:)) That the computation so made will not be subject to appeal by the employing unit.

Sec. 4. 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 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter until he or she has obtained work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks((~~PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual left work~~)).

(2) An individual shall not be considered to have left work voluntarily without good cause when:

(a) He or she has left work to accept a bona fide job offer; or

(b) The separation was because of the illness or disability of the claimant or a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment.

(3) In determining whether an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unconscionable hardship on the individual were he or she required to continue in the employment.

(4) Subsections (1) and (3) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits until he or she has requalified, either by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five calendar weeks or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to

customary trade practices, and is utilizing such employment counseling and placement services as are available through the department.

Sec. 5. Section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060 are each amended to read as follows:

An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter until he or she has obtained work and earned wages of not less than ((his)) the suspended weekly benefit amount in each of five calendar weeks(~~(-PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual was discharged or suspended)~~). An individual who has been discharged because of a felony of which he or she has been convicted or has admitted committing and which is connected with his or her work shall be disqualified from receiving any benefits for which base year credits are earned in any employment prior to the discharge.

Sec. 6. 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 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual ((or whether an individual has left work voluntarily without good cause)), the commissioner shall also consider the degree of risk involved to ((his)) the individual's health, safety, and morals, ((his)) the individual's physical fitness ((and prior training, his experience and prior earnings, his)), the individual's length of unemployment and prospects for securing local work in ((his)) the individual's customary occupation, the distance of the available work from ((his)) the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 7. Section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title benefits shall be payable to any eligible individual during ((his)) the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of ((his)) the average quarterly wages of the individual's total wages during ((that)) the two quarters of ((his)) the individual's base year in which such total wages were highest, except that if such computed amount is less than seventeen dollars, the weekly benefit amount shall be deemed to be seventeen dollars. The maximum amount payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be ((fifty)) fifty-five percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if as of any June 30th the unemployment compensation trust fund balance has improved so that the employer contribution as determined pursuant to RCW 50.24.010 is less than three percent, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following shall be sixty percent of the "average weekly wage" for the calendar year preceding such June 30: PROVIDED FURTHER, That if any weekly benefit or

maximum benefit amount computed herein is not a multiple of one dollar, it shall be adjusted to the nearest multiple of one dollar, except that if the computed amount ends in fifty cents, it shall be adjusted to the next higher multiple of one dollar.

NEW SECTION. Sec. 8. There is added chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for any week during the school year commencing with the first week of scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for classes: PROVIDED, That this nonregistration will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools, and "institutions of higher education" as that phrase is defined in RCW 50.44.040.

This disqualification shall not apply to any individual who:

(1) Is in approved training within the meaning of RCW 50.20.043; or  
 (2) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:

- (a) Prior work history;
- (b) Scholastic history;
- (c) Past and current labor market attachment; and
- (d) Past and present efforts to seek work.

Sec. 9. Section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which ((he)) the employer is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50.29 RCW: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed ((seventy-five)) eighty percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the

amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

**NEW SECTION.** Sec. 10. There is added to chapter 35, Laws of 1945 and to chapter 50.24 RCW a new section to read as follows:

Only during the 1978 and 1979 calendar years, contributions payable by employers under the provisions of RCW 50.24.010 shall be payable at the rate of three and three-tenths percent of wages subject to tax, rather than in accordance with the rates therein.

**NEW SECTION.** Sec. 11. The provisions of this 1977 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 ninety days after adjournment sine die of the 1977 1st Extraordinary Session (forty-fifth legislature) of the Washington State Legislature: PROVIDED, That the first paragraph of section 1 of this 1977 amendatory act shall take effect immediately and the remaining portion of section 1 of this 1977 amendatory act and all of section 2 of this 1977 amendatory act shall take effect commencing with benefit years beginning on and after October 1, 1978; section 7 of this 1977 amendatory act shall take effect commencing with benefit years beginning on and after July 3, 1977; sections 3, 4, 5, 6, and 8 of this 1977 amendatory act shall take effect on and after July 3, 1977."

Senator Ridder moved the following amendments to the amendment by Senators Mardesich and Morrison be considered and adopted simultaneously:

Beginning on page 1, line 5 of the amendment, strike all of section 1 and insert:

"Section 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week ((with respect to)) in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week ((with respect to)) in which the individual next files an application for an initial determination after the expiration of ((his)) the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in "employment" during ~~((his))~~ the individual's base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding ~~((his))~~ the benefit year and either had "employment" in not less than ~~((sixteen))~~ eighteen weeks of ~~((his))~~ the base year in each of which he or she earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had "employment" in not less than six hundred eighty hours of ~~((his))~~ the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in "employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for ~~((his))~~ the individual's new benefit year.

~~((As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the effective date of this 1973 amendatory act.))~~

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals."

Beginning on page 3, line 37 of the amendment, strike all of section 3 and insert:

"Sec. 3. Section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers, the number of weeks for which the worker earned the "qualifying weekly wage", and beginning July 1, 1977, the hours worked by each worker and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of weeks in a reporting period for which a worker earned the "qualifying weekly wage" or hours worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such weeks the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the "qualifying weekly wage" in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That the total number of weeks credited to the worker for any quarterly period shall not exceed thirteen weeks:

PROVIDED FURTHER, That in computing the number of such hours worked the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED FURTHER, That the computation so made will not be subject to appeal by the employing unit."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: Would Senator Morrison yield to a question? Senator Morrison, how would these people accumulate the hours if that is all the hours that the job provides? You said that they—yes, some people would have to work longer hours, but how could they do that?"

Senator Morrison: "Well, if the qualifications test is a measurement of the attachment to the labor market, they would just have to put in more hours. Everyone would qualify under the same provision. Six hundred and eighty hours is the standard test, and it would apply to prove their attachment to the labor market and their qualification for benefits."

Senator Rasmussen: "How many of the seasonal workers would this knock out?"

Senator Morrison: "Oh, a very limited number. The hours provision was originally put in as a concession particularly at the request of the teamsters who said, 'We can't get in sixteen weeks, but we sure can get in six hundred hours.' Now labor agrees that the six hundred and eighty hour requirement is not prohibitive, and that almost anyone with an attachment to the labor market deserving unemployment benefits and protection, would be working six hundred and eighty hours. So this is not a shot at the seasonal worker."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "In further response to Senator Rasmussen, what it means is that you will have to put in if you assume thirty-five hours a week as the suggestion was made, and you will simply have to assume that you will have to put in eighteen—it will be slightly more than eighteen weeks to qualify. So, you would qualify by virtue of putting in the eighteen weeks. As a matter of fact, at thirty-five. If you lower the hours substantially, then of course, it takes more weeks of work as would be the case by way of an example, those 'non certs' who work in the schools, they would qualify by virtue of the extended time rather than by virtue of the hours. They would get their hours in, but they would get them in in the longer period of time and fall well within the nine months' school year."

Further debate ensued.

#### POINT OF INQUIRY

Senator Talley: "Would Senator Ridder yield? In the paper industry where they work different shifts, graveyard, swing and days, some weeks they get a very short work week. How would it affect them there?"

Senator Ridder: "My amendment would not really affect them, Senator Talley, because I would assume that they would work probably a full forty hour week, a total of a basis of a general forty hour week, in which case they would be amassing the hours on a regular basis. The week's requirement if they were not working the full time, which we would consider forty hours a week, if they had a shorter week that week would also apply to that. That is, under the week's requirement if they



had eighteen weeks of employment which met the minimum qualifications, that is, the fifteen percent of the wage, average weekly wage."

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "In further response, I think if you want to take an example that is easily understood, if you had a person that was putting in a half day, a four hour shift, they would qualify under the six hundred and eighty hours by virtue of working about thirty-three or thirty-four weeks during the course of a year, and be qualified, so even a box boy if he puts in that thirty-three or four weeks would qualify."

#### POINT OF INQUIRY

Senator Morrison: "Would Senator Ridder yield to a question? Senator Ridder, your last answer, I believe to Senator Talley, indicated they would still have to earn a certain amount to qualify a week, and yet I notice in your amendment that you leave section 2 precisely as we have it in the floor amendment before us and it strikes all references to qualifying a week because there is no longer a week used in the test. So, I think you have got some technical problems which I would like to lean on as another reason to defeat your amendment."

Senator Ridder: "Well, I have the qualifying annual wages and the qualifying weekly wage in section one."

Senator Morrison: "The problem is those are not defined anywhere except in section 2, and we have stricken that language since we are only going to deal with ours in our proposal."

Senator Ridder: "I see."

The motion by Senator Ridder failed and the amendments to the amendment by Senators Mardesich and Morrison were not adopted on a rising vote.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Morrison yield to a question? Senator Morrison, I do this for the purpose of getting in the record our intent, and I direct your attention to section 8 which is the student section. I would ask you that if a student has been working on a regular job, whether it be a night watchman or during the day, going to night school, and he is otherwise—that has been his employment and that is how he supports his family, would his showing that, that has been traditionally how he had been employed, meet the 'preponderance of the evidence' test that you have established in section 8 to show that he is, in fact, a part of the labor market and entitled to qualify?"

Senator Morrison: "Senator Bottiger, the effort under the student provision, is to come up with a rebuttable presumption that if you are taking twelve student hours, that in fact, you are unavailable for work and do not pass the test. However, we softened those provisions by saying that if the person involved can demonstrate by a preponderance of the evidence their actual availability based on things such as prior work history. One other item is the past and present labor market attachment, past and present efforts to seek work. I would say under the particular question that you raised, that in fact, the commissioner would very easily find that the person should qualify for unemployment compensation benefits."

Further debate ensued.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Morrison yield? Senator Morrison, with respect to the local units of government which are involved now in the unemployment compensation area for the first time, I believe, would the sources of funds necessary to pay unemployment compensation benefits back to the fund come out of current operational appropriations or revenues, or would they come out of future revenues?"

Senator Morrison: "Senator Goltz, the question actually relates to the conformity legislation which we passed this past week. Let me give you a quick answer. That is up to the unit of local government. As you recall, we adopted the amendments here. We provided the maximum amount of flexibility. They could repay them on being billed by the department of employment security. They could contribute ahead of time through a tax proposal, through the regular state fund. They could contribute to their own separate pool since we gave them the flexibility of paying in at a lower rate than other employers because basically, particularly cities and towns, have a much better record of employment than many of our private industries. So that is not included in this bill, but it is important because taxpayers now are going to be paying the cost for the abuses of our fund, and we think that this bill at least goes part way in eliminating some of those abuses."

The motion by Senator Mardesich carried and the amendment was adopted.

On motion of Senator Ridder, the following amendment to the title by Senators Mardesich and Morrison was adopted:

On page 1, on line 1 of the title, after "compensation;" strike all matter down to and including "50.24.010;" on line 12 and insert:

"amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355; amending section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070; 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; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; 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 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; adding a new section to chapter 35, Laws of 1945 and to chapter 50.20 RCW; adding a new section to chapter 35, Laws of 1945 and to chapter 50.24 RCW;"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute House Bill No. 563, 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. 563, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Beck, Grant, Monohon, Rasmussen, Ridder, Van Hollebeke—6.

Excused: Senator Cunningham—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 563, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the following Senate Bills were referred to the Committee on Rules: 2938, 2983, 3040, 3041, 2155, 2085, 2579, and Senate Joint Memorial 108.

#### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

May 4, 1977.

SUBSTITUTE HOUSE BILL NO. 314, authorizing pharmacy assistants and providing for their regulation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 327, providing for the certification and regulation of operators of public water supply systems (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, regulating audiologists and speech pathologists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, McDermott, Monohon.

Passed to Committee on Rules for second reading.

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 451, requiring reflectors at railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

May 4, 1977.

SUBSTITUTE HOUSE BILL NO. 726, changing the law on savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 952, bringing state motor vehicle equipment standards into conformity with federal standards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

May 3, 1977.

ENGROSSED HOUSE BILL NO. 1263, deleting references in the law to the state power commission (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

May 2, 1977.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 18, requesting that the next state ferry be named "Kittitas" (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

#### MOTION

At 6:10 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, May 5, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, May 5, 1977.

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 Cunningham and Jones.

The Color Guard, consisting of Pages David Harlan and Anna Glaas, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"WE ARE THANKFUL TODAY, FATHER OF ALL, FOR THE EXHILARATION WHICH COMES FROM LEGISLATION SUCCESSFULLY ACTED UPON BY THIS SENATE. SUCH ACTS MAKE THOSE LONG AND MOSTLY UNSUNG HOURS OF COMMITTEE AND CAUCUS WORTH THE EFFORT. GRANT, NOW, TODAY, A CONTINUED CULMINATION OF EFFORTS IN BILLS WHICH WILL MAKE OF THIS STATE A PEOPLE REACTING POSITIVELY TO AN EVER-CHANGING HUMAN SCENE. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORT OF STANDING COMMITTEE

May 2, 1977.

SENATE BILL NO. 2522, relating to transportation taxation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2522 be substituted therefor and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Peterson, Talley, Wanamaker.

### MESSAGE FROM THE GOVERNOR

May 4, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

I have the honor to advise that on May 4, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2097: Deleting an obsolete restriction on employment of aliens.

SENATE BILL NO. 2258: Allowing state, county and municipal treasurers to transfer public funds electronically.

SUBSTITUTE SENATE BILL NO. 2431: Providing for the erection of a statue in statuary hall in the national capitol.

SENATE BILL NO. 2478: Allowing institutions of higher education to collect certain debt charges if provided for in the agreement signed by the debtor.

SENATE BILL NO. 2029: Abolishing the American Revolution Bicentennial Commission of the State.

Sincerely,  
**JOE ZASPEL**  
 Legislative Assistant.

MESSAGES FROM THE HOUSE

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 118, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 4, 1977.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 13,  
 SUBSTITUTE HOUSE BILL NO. 254,  
 SECOND SUBSTITUTE HOUSE BILL NO. 334,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 472,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 604,  
 SUBSTITUTE HOUSE BILL NO. 1203,  
 ENGROSSED HOUSE BILL NO. 1232,  
 SUBSTITUTE HOUSE BILL NO. 1277, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 4, 1977.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 305,  
 ENGROSSED HOUSE BILL NO. 400,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 446,  
 SUBSTITUTE HOUSE BILL NO. 480,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 550,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 674,  
 SUBSTITUTE HOUSE BILL NO. 684,  
 SUBSTITUTE HOUSE BILL NO. 697,  
 SUBSTITUTE HOUSE BILL NO. 800,  
 SUBSTITUTE HOUSE BILL NO. 820,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 821,  
 SUBSTITUTE HOUSE BILL NO. 857,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1254,  
 ENGROSSED HOUSE BILL NO. 1260,  
 SUBSTITUTE HOUSE BILL NO. 1310, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 4, 1977.

Mr. President: The House has adopted:  
 HOUSE JOINT MEMORIAL NO. 12,  
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 54, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 4, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 534, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 5, 1977.

Mr. President: The Speaker has signed SENATE BILL NO. 2315, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 13, by Committee on Institutions (originally sponsored by Representatives Fischer and Clemente):  
Expanding the work release program to include treatment.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 254, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Kreidler, Fortson, Pruitt, Lux, Hanna and Fischer):  
Providing a patients bill of rights.  
Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 305, by Committee on Social and Health Services (originally sponsored by Representatives Hanna and Becker):  
Developing a supplemental job training and employment referral program.  
Referred to Committee on Social and Health Services.

SECOND SUBSTITUTE HOUSE BILL NO. 334, by Committee on Appropriations (originally sponsored by Representatives Kreidler, Whiteside, Adams, Lux, Pruitt and Fischer):  
Establishing a sexually transmitted disease clinic at University of Washington.  
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 400, by Representatives Nelson (Gary), Warnke and Greengo:  
Authorizing a pilot project to be known as the Washington innovation service institute.  
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, by Committee on Commerce (originally sponsored by Representatives Warnke, Polk and Knowles) (by Department of Motor Vehicles request):  
Changing the requirements for real estate licenses.  
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, by Committee on Higher Education (originally sponsored by Representatives Erickson, Moreau, Vrooman, Becker, Hughes, Grier, Pardini, Knowles, McCormick, Deccio, Berentson, Chandler, Bond and May):  
Designating regional universities.  
Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 480**, by Committee on Education (originally sponsored by Representatives Clemente, Zimmerman, Eng, Taller, Lux, Boldt and Valle) (by Superintendent of Public Instruction request):

Providing program of bilingual instruction in the common schools and state aid therefor.

Referred to Committee on Education.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 534**, by Committee on Natural Resources (originally sponsored by Representative Martinis):

Allowing the revocation of food fish and shellfish licenses for violations of food fish and shellfish laws.

Referred to Committee on Natural Resources.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 550**, by Committee on Commerce (originally sponsored by Representatives Salatino, Valle, Nelson (Dick), Smith and Gaines):

Regulating automotive repair.

Referred to Committee on Commerce.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 604**, by Committee on Labor (originally sponsored by Representatives Lux, Pearsall, Fischer and Pruitt) (by Department of Labor and Industries request):

Revising the state industrial insurance laws.

Referred to Committee on Labor.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 674**, by Committee on Agriculture (originally sponsored by Representatives Kilbury and Clayton):

Revising laws relating to the sale or transfer of agricultural products.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 684**, by Committee on Social and Health Services (originally sponsored by Representative Fischer):

Allowing pharmacists to obtain nonpracticing licenses.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 697**, by Committee on Education (originally sponsored by Representatives Dunlap, Clemente, Fortson, Whiteside, Bauer, Barnes, Greengo, Paris and Taller):

Mandating learning objectives for grades K-12 for statutorily required courses.

Referred to Committee on Education.

**SUBSTITUTE HOUSE BILL NO. 800**, by Committee on Social and Health Services (originally sponsored by Representatives Gruger, Kreidler, Whiteside, Adams, Fortson, May, Pearsall and Lux):

Allowing an earned income exemption for recipients of developmental disability services.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 820**, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Kreidler, Fortson, Gruger, May and Whiteside):

Enacting the Victims of Sexual Assault Act.

Referred to Committee on Social and Health Services.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 821**, by Committee on Local Government (originally sponsored by Representatives Fortson, Adams, Pearsall, Pruitt, Lux, Thompson, Kreidler, Burns, Gruger and Salatino):

Requiring crosswalk curb ramps for handicapped persons.

Referred to Committee on Local Government.



**SUBSTITUTE HOUSE BILL NO. 857**, by Committee on Judiciary (originally sponsored by Representatives Keller, Hanna, Knowles, Pardini, Tilly, Deccio, Monohon, Kreidler and Clayton) (by Board of Prison Terms and Paroles request):

Requiring statements on convicted persons for the board of prison terms and paroles.

Referred to Judiciary Committee.

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147**, by Committee on Appropriations (originally sponsored by Representatives Hughes, Lee, Hurley (Margaret), Fischer, Blair, Bauer, Fortson, Erickson, Walk, McCormick, Knowles, O'Brien, Gallagher, May, Salatino, Knedlik, Sherman, Valle, Grier, Taller and Vrooman):

Providing for a remedial reading program in the common schools.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 1203**, by Committee on Education (originally sponsored by Representative McKibbin):

Authorizing expenditures to implement programs of proper educational practices.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 1232**, by Representative Gaines:

Permitting catalytic converts to be removed from emergency vehicles.

Referred to Committee on Transportation.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1254**, by Committee on Transportation (originally sponsored by Representatives Charnley, Leckenby, McKibbin and Blair):

Regulating boating.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 1260**, by Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request):

Modifying the bond, licensing, and fees provisions of the insurance laws.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 1277**, by Committee on Education (originally sponsored by Representatives McKibbin, Clemente, Barnes, Bauer, Dunlap, Erickson, Shinpoch and Haley) (by Governor Ray request):

Providing for a Washington state commission on educational structure and management.

Referred to Committee on Education.

**SUBSTITUTE HOUSE BILL NO. 1310**, by Committee on Ecology (originally sponsored by Representative Valle):

Defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act.

Referred to Committee on Ecology.

**HOUSE JOINT MEMORIAL NO. 12**, by Representative Lysen:

Memorializing the President and Congress to terminate airline mutual aid pacts.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE JOINT RESOLUTION NO. 54**, by Committee on State Government (originally sponsored by Representatives Vrooman, Burns, Knedlik, Salatino, Pruitt, Nelson (Dick), Hughes, Enbody, Monohon, Grier, Pearsall, Walk, Grimm, Heck, Kreidler and Schmitten):

Carrying over bills between sessions of the same legislature.

Referred to Committee on State Government.

## MOTION

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. and Mrs. Jack Taylor, State Treasurer Robert O'Brien and State Auditor Robert Graham and appointed Senators Walgren, Sandison, Matson and Newschwander to escort the honored guests to the Senate rostrum.

## MOTION

On motion of Senator Walgren, all members were permitted as sponsors to Senate Resolution 1977-34.

On motion of Senator Walgren, the following Senate Resolution was unanimously adopted:

## SENATE RESOLUTION 1977-34

By Senator Walgren; President of the Senate John A. Cherberg; Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wjahn and Woody; Sid Snyder, Secretary of the Senate, Charlie Johnson, Sergeant at Arms; Bill Gleason, Assistant Secretary of the Senate; and Verne Sawyer, Senate Reader;

WHEREAS, the Honorable Jack Taylor is concluding a 40-year career in public service; and

WHEREAS, Jack Taylor has served our citizens in the elected positions of State Land Commissioner and King County Commissioner, as well as the first director of the State Pollution Control Commission, as executive officer of the State Utilities and Transportation Commission, and since January 13, 1965, as Assistant Treasurer of the State of Washington; and

WHEREAS, With his retirement from state service, Jack Taylor leaves a legacy of good friends in the world of politics and government; and

WHEREAS, Jack Taylor, in addition to the creation of many lasting friendships in the Senate, has demonstrated that service "of, by and for the people" is not a lost art; and

WHEREAS, Jack Taylor intends to enjoy an active retirement and participate in the activities of organizations working on behalf of senior citizens;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that its appreciation be extended to the Honorable Jack Taylor for his service to the citizens of the State of Washington in both elected and appointed positions of the greatest responsibility, and that best wishes go with him for an active and productive future; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be instructed to present a suitable inscribed copy of this Resolution to the Honorable Jack Taylor.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, and particularly to you, Jack Taylor, I think that the Resolution, of course, expresses the views of all the members of this body, and that is, of course, why I asked that all members be added as sponsors.

"We, of course, congratulate you on your retirement. You know that word is used very often when a person moves on to retirement, and I am not sure that that really is the best word because those of us who have known you as well as we have, known your great ability as a member of state government, knowing of your friendship, it is hard for us to congratulate you moving on away from here.

"We know that you are looking forward to retirement. We also know, Jack, that you will be back here constantly to advise all of us in the work that we do, and so on behalf of the Senate of the state of Washington, I do want to wish you and your wife well in the coming years and want to assure you of your continued welcome to this body at any time that you would care to come back, not only on your own, but hopefully at our request to give a little advice.

"Congratulations, Jack."

## REMARKS BY THE PRESIDENT

President Cherberg: "Jack, this was a very proud moment in our lives, and I am sure it is in yours and Jinny's. As a small token of the esteem and affection with which you are held by the members of the Senate, the members have designated the President to present to you this trophy, declaring something that we have always known, that you are a distinguished citizen of this state.

"In recognition and appreciation of the dedication, imagination, leadership and personal integrity which have through his years of public service contributed to much to the people of our state.'

"Congratulations and the very best of wishes to you and Jinny.

"It is a great pleasure to present to you the Honorable Jack Taylor."

## REMARKS BY JACK TAYLOR

Mr. Taylor: "Thank you very much, Mr. President, Honorable members of the Senate and staff. This is indeed a wonderful honor, and I wish to express this opinion that friendship knows no party lines nor religious lines. I didn't think in 1935 that I would ever see the day that I would be standing here in 1977 and have this great honor bestowed upon me.

"All of you have gone through various political campaigns, you know what the problems are. You know that you have to make tough decisions, and you know when decisions are made that you are going to make someone unhappy. I have been making those decisions since 1935, and it certainly is an encouragement for the younger people to take an interest in state government. When you consider the years that I have served, and end up with so many friends after having to say 'no' to so many people.

"With that, I want to close. I know that you have a very busy schedule. You have a very, very serious session before you, and each and every one of you are to be congratulated for your dedication under very, very tough times. I have been following it, and I know that you are going to come out with the right answers for the good of the majority of the people.

"Thank you very much, and God bless."

## REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Jack. Your remarks were beautifully made, and remarkably well taken by the members. The President, with the indulgence of the Senate, should certainly like to exercise the very pleasant privilege of introducing, rather, not the proper word, but presenting Mrs. Jinny Taylor.

"The high regard and respect for which Jack Taylor holds among the members of the state elected officials is exemplified by the presence of two of our most distinguished, the Honorable Robert O'Brien, state treasurer, and the Honorable Robert Graham, state auditor.

"This pleasant occasion must come to an end at this time because of the work schedule of the Senate."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President: "I would like to compliment Jack Taylor on his excellent work, but I would also like to point out to Mr. O'Brien and Mr. Graham that I hope they get connected by wire. The Governor signed their bill yesterday that allows electronic transfer of the millions of dollars that they are both concerned with, and they both have the problem of satisfying each other that the money is going to the right place. The Governor has never met them, but she signed the bill. When you have your millions of dollars transmitting, and Bob Graham is trying to follow them, Mr. O'Brien, you have got a job on your hands.

"I urge you to get together and not sit separately. Work together."

## REMARKS BY THE PRESIDENT

President Cherberg: "Jinny and Jack, you leave the Senate chamber on this particular morning with the very best wishes and heartiest congratulations of every member and the President, the staff, and I am sure, everyone in the state who is fortunate enough to know you.

"The Senate photographer, Mr. Chris Palmer, would like a picture of the occasion for posterity. Would members of the committee please come to the rostrum."

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

## MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1977-33.

On motion of Senator Rasmussen, Senators Pullen, Wanamaker and Lewis were added as additional sponsors to Senate Resolution 1977-33.

Senator Rasmussen moved adoption of the following resolution:

## SENATE RESOLUTION 1977-33

By Senators Rasmussen, Guess, Newschwander, Pullen, Lewis and Wanamaker:

WHEREAS, United States diplomatic representatives are presently engaged in negotiations with representatives of the government of Panama, under a declared purpose of establishing a new treaty relationship between the United States and Panama; and

WHEREAS, The United States since 1903 has continuously occupied and exercised control over the Zone, constructed the Canal, and since 1914, for a period of sixty years, operated the Canal in a highly efficient manner without interruption, under the terms of the Hay-Pauncefote Treaty of 1901, the Hay-Bunau-Varilla

Treaty of 1903, and the Thomson-Urrutia Treaty of April 6, 1914, making a total investment in the Canal, including defense, at a cost to the taxpayers of the United States of over \$5,695,745,000; and

WHEREAS, The United States House of Representatives, 86th Congress, on February 2, 1960, adopted House Concurrent Resolution 459, reaffirming the authority of the United States over the Zone territory by the overwhelming vote of 382 to 12, thus demonstrating the firm determination of our people that the United States maintain its jurisdiction over the Canal and the Zone; and

WHEREAS, The Panama Canal is essential to the defense and national security of the United States, and is of vital importance to the economy and interoceanic commerce of the United States with the remainder of the free world;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that there be no relinquishment or surrender of any essential national interest of the United States or any essential right, power, authority, or property, tangible or intangible; and

BE IT FURTHER RESOLVED, That the elements of essential United States national interest shall be: (1) The right to defend the Canal and to intervene unilaterally to accomplish this before or after the termination of any treaty; (2) the right to expand capacity on such Canal or build a sea-level canal when necessary; (3) the right to use the Canal on an unrestricted basis before or after termination of the treaty; and (4) the right to operate the Canal for the duration of the treaty;

AND BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States; Mr. Cyrus R. Vance, United States Secretary of State; the President of the United States Senate; the Speaker of the House of Representatives; and each member of Congress from the State of Washington.

Debate ensued.

The motion of Senator Rasmussen carried and the resolution was adopted.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 118.

#### MOTION

At 11:40 a.m., on motion of Senator Marsh, the Senate was declared to be at case.

The President called the Senate to order at 12:23 p.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 287.

#### MOTION

On motion of Senator Jones, Senator Cunningham was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 287, by Representatives Hansen, Dunlap and Gilleland:

Requiring certain county electrical projects to be by contract.

## REPORT OF STANDING COMMITTEE

April 12, 1977.

ENGROSSED HOUSE BILL NO. 287, requiring certain county electrical projects to be by contract (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 9 after "of" and before "traffic" insert "electrical"

On line 11 after "exceed" strike everything down to and including "hundred" on line 12 and insert "ten thousand"

On line 19 after "of" and before "traffic" insert "electrical"

On line 21 after "exceeding" strike everything down to and including "hundred" on line 22 and insert "ten thousand"

Signed by: Senators Bluechel, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 287, 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. 287, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 4; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—43.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Bausch, Fleming, Mardesich, McDermott—4.

Excused: Senator Cunningham—1.

ENGROSSED HOUSE BILL NO. 287, as amended by the Senate, having received the constitutional 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 Walgren moved the Senate now commence consideration of the following Senate Bill:

SENATE BILL NO. 2564, by Senators Ridder, Wojahn, North, Rasmussen and Walgren:

Regulating warm air heating, ventilation, and air conditioning work.

## POINT OF ORDER

Senator Matson: "Mr. President, point of order. Mr. President, I request a Ruling from the Chair as to the eligibility of Senate Bill 2564 under the cutoff resolution."

Debate ensued.

## MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## RULING BY THE PRESIDENT

President Cherberg: "The President, in reply to Senator Matson's point of order, wishes to state that Substitute Senate Bill 2564 is clearly and unequivocally a labor bill, but on the other hand, the manner in which Senate Concurrent Resolution Number 113 is written indicates that the measure also falls well within the purview of the concurrent resolution and that the resolution indicates that legislation pertaining to energy measures may be considered.

"Therefore, the President believes that Substitute Senate Bill 2564 is within the purview of the concurrent resolution."

## MOTION

Senator Bottiger moved that Senate Bill No. 2564 be referred to the Committee on Energy and Utilities.

Debate ensued.

The motion by Senator Bottiger carried. Senate Bill No. 2564 was referred to the Committee on Energy and Utilities.

## MOTION

On motion of Senator Jones, Senator Matson was excused.

## SECOND READING

SENATE BILL NO. 3079, by Senator Walgren:

Authorizing county property to be leased to a public agency for a term of years not to exceed fifty.

## MOTION

On motion of Senator Marsh, Senate Bill No. 3079 was rereferred to the Committee on Rules.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3053.

## SECOND READING

SENATE BILL NO. 3053, by Senators Goltz, Odegaard and Scott:

Redesignating rights relative to dismissal of community college faculty.

## MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3053 was substituted for Senate Bill No. 3053 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3053 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 Odegaard yield? Senator Odegaard, I just got to wondering whether there would be any possible conflict between the granting of tenure and, I assume that those people would currently be, or possibly be under civil service, state employees in the state institutions? Why wouldn't they be if they aren't?"

Senator Odegaard: "Because these people are not actually employees of the institution. They are separate from that. The educational part is entirely separate from the institution."

Senator Mardesich: "Whose payroll are they on, then?"

Senator Odegaard: "They are officially paid through the district twelve, Centralia College district. They are reimbursed by the department of social and health services for the educational program."

Senator Mardesich: "They are in TRS, then."

Senator Odegaard: "Right, they are under TRS."

## POINT OF INQUIRY

Senator Hayner: "Mr. President, would Senator Odegaard yield to a question? Does this have any effect on our instructors, faculty instructors, in the state penitentiary in Walla Walla?"

Senator Odegaard: "No, it does not, Senator Hayner. It is written very strictly only for the correctional center at Shelton."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3053, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senators Gould, Jones, Murray, Van Hollebeke, von Reichbauer—5.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Matson—2.

SUBSTITUTE SENATE BILL NO. 3053, having received the 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 Odegaard, Senator Fleming was excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2373.

## SECOND READING

SENATE BILL NO. 2373, by Senators Grant, Day, Van Hollebeke, Keefe, Goltz and McDermott:

Implementing law relating to providing of courses and ancillary services to private school students by the public schools.



## MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2373 was substituted for Senate Bill No. 2373 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Grant, the rules were suspended, Substitute Senate Bill No. 2373 was advanced to third reading, the second 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. 2373, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Peterson—1.

Excused: Senators Cunningham, Fleming, Matson—3.

SUBSTITUTE SENATE BILL NO. 2373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2528, by Senator Rasmussen:

Relating to state government and providing for the regulation of automated data processing.

## MOTION

On motion of Senator Marsh, Senate Bill No. 2528 was rereferred to the Committee on Rules.

## MOTION

On motion of Senator Walgren, the Senate returned to the fourth order of business.

The Senate resumed consideration of the House Message on Substitute Senate Bill No. 2082. On April 27, 1977, the House Message was read in the Senate together with the House amendment striking everything after the enacting clause and inserting new sections 1 through 19 also the amendment to the title.

At that time, Senator Wilson moved the Senate do concur in the House amendment. On motion of Senator Day, the motion by Senator Wilson was held for later consideration.

There being no objection, on motion of Senator Wilson the motion to concur in the House amendments to Substitute Senate Bill No. 2082 was withdrawn.

## MOTION

On motion of Senator Wilson, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 2082 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 3, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 312 and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference committee thereon: Representatives Erickson, Enbody and Chandler, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Odegaard, the request by the House for a conference on Engrossed Substitute House Bill No. 312 and the Senate amendments thereto, was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 312 and the Senate amendments thereto: Senators Odegaard, Benitz, and Sandison.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 2, 1977.

Mr. President: The House does recede from its amendments to SENATE BILL NO. 2208, on page 6, line 5, and the title amendment, and asks the Senate to concur in the amendment on page 1, line 16, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to page 1, line 16 of Senate Bill No. 2208.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2208, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Woody—1.

Excused: Senators Cunningham, Fleming, Matson—3.

SENATE BILL NO. 2208, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

Senator Bluechel moved adoption of the following resolution:

## SENATE RESOLUTION 1977-35

By Senator Bluechel;

WHEREAS, Catholic Church officials have announced the imminent closing of St. Edwards Seminary located on the northeast side of Lake Washington; and

WHEREAS, This three hundred and fifty acre site, one of the last cohesive areas of its type in the northwest, with playing fields, swimming pools, classroom buildings, dormitories and cafeterias, constitutes, with its architecture and landscaping, an esthetic beauty but rarely found, and looks down in pastoral elegance upon the surrounding terrain; and

WHEREAS, Located in the geographical area of Bothell, Kirkland and Redmond, one of the fastest population growth centers of the state, such institutional lands now provide a buffer zone for its constituent residential areas, in marked contrast to other facilities in the general area.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That a study be immediately commenced by the standing Senate Higher Education Committee to ascertain the possibility of acquiring such property for higher education purposes, whether as a facility utilized by one or more postsecondary institutions for special educational facilities, or to be retained by the state for future community college campus purposes; that pursuant to such study the Council for Postsecondary Education examine the facilities available and report back its conclusions thereon to such higher education committee; and

BE IT FURTHER RESOLVED, That the Senate Higher Education Committee make a preliminary report hereon to the Legislature not later than January 1, 1978; and

BE IT FURTHER RESOLVED, That if the House of Representatives passes a resolution similar in content to this, the standing committees on Higher Education of both houses of the Legislature shall cooperatively conduct such single study and make a joint report thereon; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send a copy of this resolution to the chairman of the standing committee on Higher Education and the Executive Director of the Council for Postsecondary Education.

On motion of Senator Sandison, the following amendment by Senators Sandison and Odegaard was adopted:

On page 1, line 18, after "for" strike the remainder of the paragraph down through "committee" on line 25, and insert "state purposes"

## POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bluechel yield to a question? Senator Bluechel, have you checked with the archdiocese to find out what they think they might want to do with this in the future?"

Senator Bluechel: "Yes, I told them that if we had their permission, I would bring this up and do exactly what we are doing here, and they said that was fine, and they said that that may be the intent they would like to see the property used for. They don't have a definite decision on what they want to use it for, but they were very interested in the fact that we would take a look at it."

Senator Van Hollebeke: "Thank you."

## POINT OF INQUIRY

Senator Goltz: "Would Senator Bluechel yield? I am not familiar with the property or the location of it. I assume this is somewhere near your district."

Senator Bluechel: "This is right, relatively on the edge of the district. This is south of Bothell. It is west of Kirkland. It is on the lake. I have a map here. It has a considerable amount of lake frontage, and it goes up to the top of a hill. It is a large piece of property, three hundred and sixty-five acres."

Senator Goltz: "Do you think the people living in the neighborhood would be agreeable to the location of a correctional facility on that particular property, and if so, it may be wise to include members of the social and health services committee along with the higher education group, and maybe I should ask you whether an oil port could be located at that point."

Senator Bluechel: "I think the study resolution leaves it open for all aspects of study. The property itself lends itself towards some type of learning institution."

The motion by Senator Bluechel carried and the resolution, as amended, was adopted.

## MOTION

At 2:10 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Friday, May 6, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, May 6, 1977.

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 Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Hayner, Mardesich, Marsh, McDermott, Morrison, Scott and Walgren. On motion of Senator Washington, Senators Beck, Marsh, McDermott and Walgren were excused. On motion of Senator Jones, Senators Buffington, Cunningham and Benitz were excused. On motion of Senator Sellar, Senators Guess, Hayner, Morrison and Scott were excused. On motion of Senator Odegaard, Senators Bottiger and Ridder were excused.

The Color Guard, consisting of Pages Charles St. Pierre and Peggy Roddis, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"LORD, WE THANK YOU FOR THE UNCOMFORTABLE TASKS OF LIFE, REALIZING THEY ARE THE GROWING EDGE OF OUR THOUGHT AND ACTION. FOR THE PRESS OF MANY GOOD CAUSES AND TOO LITTLE FUNDS, WE EXPRESS GRATITUDE. WE ARE NOW LED TO SEEK NEW AND INNOVATIVE SOURCES OF REVENUE. THESE, IN TURN, ARE OPPORTUNITIES TO MORE EQUITABLY DISTRIBUTE THE WEALTH WE POSSESS. MAKE US UNAFRAID OF THE TOUCHY TASK AND EVEN THE UNPOPULAR DECISION, IF THESE ARE FOR THE GOOD OF ALL. AMEN."

### MOTION

On motion of Senator Sandison, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

May 3, 1977.

SENATE BILL NO. 2150, regulating energy resource movement (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2150 be substituted therefor and that substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Benitz, Gaspard, Hayner, Lewis.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44, establishing moorage fees in Marine state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 120, establishing a business license center (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 149, authorizing cooperative efforts by the state and cities to encourage rail and bus passenger service (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Wanamaker.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 228, providing for the regulation of motor vehicle towing (reported by Committee on Transportation):

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, changing water district comprehensive planning and finance law (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 293, clarifying and changing sewer district and finance law (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 316, revising licensing requirements for nursing home administrators (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Wojahn.

May 5, 1977.

HOUSE BILL NO. 417, restricting taxes on bingo, raffles, or amusement games only under specified conditions (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, changing the requirements for real estate licenses (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 447, extending the grounds for suspension or revocation of real estate sales licenses, and exempting brokers from the vehicle dealers' and salesmen's license requirements in certain cases (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 448, authorizing the director of motor vehicles to issue cease and desist orders to real estate salesmen and making the order violation a ground for license suspension or revocation (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 582, creating the Yakima river conservation area (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 787, authorizing counties to establish personnel systems (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 812, extending the law against discrimination as it relates to handicapped persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 819, extending child welfare services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 821, requiring crosswalk curb ramps for handicapped persons (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 848, modifying the financial responsibility provisions for residents of state residential schools (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Pullen, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 890, regulating nondairy products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Benitz, Wanamaker.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 933, permitting roadside area information panels (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Guess, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 936, authorizing cities and towns of less than eight thousand five hundred population to become a part of a rural county library district or intercounty rural library district (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, enacting an alternative to Initiative 59 (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Benitz, Wanamaker.

Passed to Committee on Rules for second reading.



May 5, 1977.

ENGROSSED HOUSE BILL NO. 1133, authorizing certain golfing sweepstakes under gambling act (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 1153, creating handicapped persons priority in the services of the employment security department (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 1190 modifying the law on the boundary review board (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, McDermott, North.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 1293, clarifying which public officials must disclose their finances (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, May 6, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on May 6, 1977, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2052: Providing for highway permits and property taxes on mobile homes.

SENATE BILL NO. 2387: Regulating mobile homes.

SENATE BILL NO. 3060: Permitting motor vehicle headlamps which meet international standards.

Sincerely,

JOE ZASPEL

Legislative ASsistant.

#### MOTIONS

On motion of Senator Sandison, the Senate advanced to the sixth order of business.

On motion of Senator Sandison, the Senate commenced consideration of Gubernatorial Appointment No. 111.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Odegaard, the appointment of Tommy W. Ambrose as a member of the Council on Postsecondary Education was confirmed.

## APPOINTMENT OF TOMMY W. AMBROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 33; absent or not voting, 6; excused, 10.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Gaspard, Gould, Grant, Henry, Herr, Jones, Keefe, Lewis, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—33.

Absent or not voting: Senators Benitz, Buffington, Cunningham, Francis, Goltz, Talley—6.

Excused: Senators Beck, Bottiger, Guess, Hayner, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—10.

## MOTION

On motion of Senator Odegaard, the appointment of Ms. Aurelia L. Del Fierro as a member of the Board of Trustees, Seattle Community College, District No. 6, was confirmed.

## APPOINTMENT OF MS. AURELIA L. DEL FIERRO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; excused, 14.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Henry, Herr, Jones, Keefe, Lewis, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—35.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Goltz, Guess, Hayner, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—14.

## MOTION

On motion of Senator Rasmussen, the appointment of James E. Minor as a member of the Board of Trustees, Columbia Basin Community College, District No. 19, was confirmed.

## APPOINTMENT OF JAMES E. MINOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—12.

## MOTION

On motion of Senator Odegaard, the appointment of F. Dan Bertrand as a member of the Board of Trustees, Wenatchee Valley Community College, District No. 15, was confirmed.

## APPOINTMENT OF F. DAN BERTRAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—12.

## MOTION

On motion of Senator Odegaard, the appointment of Mrs. Yvonne C. Montchalin as a member of the Board of Trustees, Clark Community College, District No. 14, was confirmed.

## APPOINTMENT OF MRS. YVONNE C. MONTCHALIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent or not voting, 1; excused, 12.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—36.

Absent or not voting: Senator Matson—1.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—12.

## MOTION

On motion of Senator Odegaard, the appointment of Helen N. Radke as a member of the State Board for Community College Education was confirmed.

## APPOINTMENT OF HELEN N. RADKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Mardesich, Marsh, McDermott, Morrison, Scott, Walgren—12.

## MOTION

On motion of Senator Odegaard, the appointment of D. Chakravarti as a member of the Board of Regents, Washington State University, was confirmed.

## APPOINTMENT OF D. CHAKRAVARTI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Morrison, Scott, Walgren—11.

## MOTION

On motion of Senator Fleming, the appointment of Robert J. Flowers as a member of the Board of Trustees, Evergreen State College, was confirmed.

## APPOINTMENT OF ROBERT J. FLOWERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Morrison, Scott, Walgren—11.

## MOTION

On motion of Senator Odegaard, the appointment of Mrs. Ina V. Knutsen as a member of the Board of Trustees, Shoreline Community College, District No. 7, was confirmed.

## APPOINTMENT OF MRS. INA V. KNUTSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

## MOTION

On motion of Senator Odegaard, the appointment of Sterling Munro as a member of the Board of Trustees, Central Washington State College, was confirmed.

## APPOINTMENT OF STERLING MUNRO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Absent or not voting: Senator Matson—1.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. Mr. Vernier and all of the appointments on the calendar, remaining on the calendar for today, are upon the list which were purportedly a mass request for withdrawal by the Governor, and approval by such withdrawal by the Senate.

"We feel that that is an unconstitutional and illegal act, and as to all of these, have raised the point of order. The point of order was argued; we were overruled, and it has been the agreement on each of these in that category that all of the record with respect to the first objection on both sides would be made a part of the record and be made applicable, and I would move that those objections and that portion of the record become a part of the record as to appointments number 112, 113, 114, 115, 124, 125, 127 and 129."

"Also we might say that again I would make the point for the benefit of those in the gallery that the 'no' votes that will be made on this side with respect to those appointments are not, in any way, to be attributed as an indication of disapproval on our part of the qualifications of the particular appointee. It is strictly a matter of law, and I also might state that in recognition of the fact that many parties are absent that, if as to any of these appointees that should appear, that they do not have the necessary number of votes, we would then intend to supply the necessary number from our side in order to accomplish the necessary votes and not unduly prolong the business of the Senate."

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Odegaard, the appointment of Harvey D. Vernier as a member of the State Board for Community College Education was confirmed.

## APPOINTMENT OF HARVEY D. VERNIER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 11; absent or not voting, 3; excused, 10.

Voting yea: Senators Bausch, Bluechel, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Clarke, Gould, Hayner, Jones, Lewis, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—11.

Absent or not voting: Senators Mardesich, Matson, Morrison—3.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Odegaard, the appointment of John Whittaker as a member of the Board of Trustees, Western Washington State College, was confirmed.

#### APPOINTMENT OF JOHN WHITTAKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays 9; absent or not voting, 5; excused, 10.

Voting yea: Senators Bausch, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Grant, Henry, Herr, Jones, Keefe, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Gould, Hayner, Lewis, Murray, Newschwander, Pullen, Sellar, Wanamaker—9.

Absent or not voting: Senators Goltz, Mardesich, Matson, Morrison, North—5.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Odegaard, the appointment of James Caley as a member of the Board of Trustees, Clark Community College, District No. 14, was confirmed.

#### APPOINTMENT OF JAMES CALEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 11; absent or not voting, 3; excused, 10.

Voting yea: Senators Bausch, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Gould, Hayner, Jones, Lewis, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—11.

Absent or not voting: Senators Mardesich, Matson, Morrison—3.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Odegaard, the appointment of Fred C. Enlow as a member of the Board of Trustees, Eastern Washington State College, was confirmed.

#### APPOINTMENT OF FRED C. ENLOW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 13; excused, 10.

Voting yea: Senators Bausch, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Lewis, Mardesich, Monohon, Odegaard,

Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Bluechel, Clarke, Gould, Hayner, Jones, Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—13.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Day, the appointment of Barbara Nelson as a member of the State Board of Pharmacy was confirmed.

#### APPOINTMENT OF BARBARA NELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 12; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Cunningham, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Gould, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, Pullen, Sellar, Wanamaker—12.

Absent or not voting: Senators Murray, North—2.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Day, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Odegaard, the appointment of Don Broughton as a member of the Board of Trustees, Central Washington State College, was confirmed.

#### APPOINTMENT OF DON BROUGHTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 11; absent or not voting, 3; excused, 10.

Voting yea: Senators Bausch, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Hayner, Jones, Lewis, Morrison, Murray, Newschwander, Pullen, Sellar, Wanamaker—11.

Absent or not voting: Senators Gould, Matson, North—3.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

#### MOTION

On motion of Senator Odegaard, the appointment of Norman R. Miller as a member of the Board of Trustees, Columbia Basin Community College, District No. 19, was confirmed.

#### APPOINTMENT OF NORMAN R. MILLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 11; absent or not voting, 3; excused, 10.

Voting yea: Senators Bausch, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Gould, Hayner, Jones, Lewis, Murray, Newschwander, Pullen, Sellar, Wanamaker—11.

Absent or not voting: Senators Matson, Morrison, North—3.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

### MOTION

On motion of Senator Rasmussen, the appointment of Fred E. Haggard as a member of the State Gambling Commission was confirmed.

### APPOINTMENT OF FRED E. HAGGARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 25; nays, 13; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Gould, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Sellar, Wanamaker—13.

Absent or not voting: Senator Murray—1.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Scott, Walgren—10.

### MOTION

On motion of Senator Sandison, the Senate commenced consideration of House Bill No. 613.

### SECOND READING

HOUSE BILL NO. 613, by Representatives Sommers and Nelson (Gary) (by Department of Revenue request):

Repealing property tax revaluation ratio procedures.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 613 was advanced to third reading, the second 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. 613, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senator North—1.



Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Walgren—9.

HOUSE BILL NO. 613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Sandison, the Senate commenced consideration of Engrossed House Bill No. 506.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 506, by Representative Heck:

Permitting certain PUD's to have sewage districts without reference to a water system.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 506, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Excused: Senators Beck, Benitz, Bottiger, Buffington, Cunningham, Guess, Marsh, McDermott, Walgren—9.

ENGROSSED HOUSE BILL NO. 506, having received the constitutional 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 12:30 p.m., on motion of Senator Sandison, the Senate adjourned until 11:00 a.m., Monday, May 9, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, May 9, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg, President Pro Tempore Henry assumed the Chair. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Cunningham, Mardesich, McDermott, Murray and Ridder. On motion of Senator Jones, Senators Benitz, Cunningham and Murray were excused. On motion of Senator Odegaard, Senators Mardesich, McDermott and Ridder were excused.

The Color Guard, consisting of Pages Mimi Malgarini and Jeff Yonek, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY AND EVERLASTING FATHER, TRUE AND ONLY SOVEREIGN OF ALL THAT IS, AS WE GATHER HERE TOGETHER TO CARE FOR THE PEOPLE'S BUSINESS, MAKE US EVER MINDFUL OF YOUR PRESENCE BOTH AS JUDGE AND STRENGTHENER. REMIND THESE MEN AND WOMEN OF THE SENATE HERE CONVENED WHOSE MINISTERS THEY ARE. HELP THEM TO USE THEIR POWER THOUGHTFULLY AND RESPONSIBLY REMEMBERING THAT THEY SERVE AT THE WILL OF THE PEOPLE. WHERE DECISIONS ESSENTIAL TO THE WELFARE OF THE STATE NEED TO BE MADE, OPEN UP THE CHANNELS THAT GOOD AND APPROPRIATE ACTION MAY TAKE PLACE. INSPIRE US ALL TO GET ON WITH THE WORK COMMITTED INTO OUR HANDS AND MAY ALL OUR ACTIONS BE WELL-PLEASING IN YOUR SIGHT, THROUGH JESUS CHRIST OUR LORD. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

May 5, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 67, transferring authority for nuclear energy development from the department of commerce and economic development to the state energy office (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 793, authorizing the department of labor and industries to insure employers against liability for compensation and benefits for injuries and death under the federal longshoremen's and harbor workers' compensation act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE JOINT MEMORIAL NO. 15, memorializing the President of the United States and several sister states to meet in conference on rising British Columbia gas prices (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gaspard, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 199.

#### SECOND READING

HOUSE BILL NO. 199, by Representatives Sommers, Nelson (Dick), Knedlik and Lux:

Allowing the state fire marshal access to criminal offender record information.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, House Bill No. 199 was advanced to third reading, the second 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. 199, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Guess—1.

Excused: Senators Benitz, Cunningham, Mardesich, McDermott, Murray, Ridder—6.

HOUSE BILL NO. 199, having received the constitutional majority, 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. 445, by Representatives Smith, Enbody and Leckenby:

Revising law relating to eminent domain.

#### REPORT OF STANDING COMMITTEE

March 16, 1977.

ENGROSSED HOUSE BILL NO. 445, revising law relating to eminent domain (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, 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."

In line 1 of the title, after "domain;" and before "amending", strike "and" and in line 2 of the title after "RCW 8.25.075" and before the period, insert "; and declaring an emergency".

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Hayner, 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, the rules were suspended, Engrossed House Bill No. 445, 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. 445, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Cunningham, Mardesich, McDermott, Murray, Ridder—6.

EMGROSSED HOUSE BILL NO. 445, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:20 a.m., on motion of Senator Marsh, 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 Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 5, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 24, authorizing a deduction for value of certain products added by minor final assembly from the business and occupation tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Matson, Morrison, Rasmussen, Ridder, Sandison.

Passed to Committee on Rules for second reading.

May 9, 1977.

HOUSE BILL NO. 42, limiting the use of state parks (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Odegaard, Scott.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 43, planning urban area state parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED HOUSE BILL NO. 58, establishing a method by which certain criminal cost bills will be paid by the state (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

HOUSE BILL NO. 191, authorizing certain court proceedings in marriage dissolution cases to be expedited (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 195, extending time bonds of the Washington Futures Program of 1972 may be issued (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Morrison, Rasmussen, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 257, enacting the Marihauna Education and Control Act of 1977 (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Vice Chairman; Buffington, Francis, Gould, McDermott, Monohon, North.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass.

Signed by: Senators Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 9, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 307, providing funds for local criminal justice programs (reported by Judiciary Committee):

MAJORITY recommendation: That Second Substitute House Bill No. 307 be referred to Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman;, Buffington, Hayner, Woody.

Referred to Committee on Ways and Means.

May 6, 1977.

SUBSTITUTE HOUSE BILL NO. 318, permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, revising the juvenile justice and care system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 382, exempting prescription drugs sold to the state or political subdivisions from sales tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Mardesich, Matson, Morrison, Rasmussen, Ridder, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 387, restricting reinsurance with insurer not authorized to insure in this state (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 6, 1977.

HOUSE BILL NO. 407, modifying the fee for a writ of garnishment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

HOUSE BILL NO. 413, increasing witness fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED HOUSE BILL NO. 414, modifying the collection of jury costs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, designating regional universities (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, enacting the "Comprehensive Sentencing Act of 1977" (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Woody.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE BILL NO. 642, requiring that applications for abatement of taxes on destroyed property be filed in the year of destruction or within 75 days of destruction (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Matson, Morrison, Rasmussen, Ridder, Sandison.

Passed to Committee on Rules for second reading.

May 6, 1977.

SUBSTITUTE HOUSE BILL NO. 673, specifying rest time for ships' pilots (reported by Committee on Transportation):

MAJORITY recommendation: No recommendation.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Bottiger, Keefe, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

May 9, 1977.

HOUSE BILL NO. 683, modifying the insurance law on fraternal benefit societies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 685, authorizing financial institutions to participate in electronic fund transfer systems (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones.

Passed to Committee on Rules for second reading.

May 6, 1977.

HOUSE BILL NO. 768, implementing the law relating to granting of degrees at certain state colleges including financial impact review (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 917, authorizing the interagency committee on outdoor recreation to produce a state recreation guide (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Scott.

Passed to Committee on Rules for second reading.

May 6, 1977.

SUBSTITUTE HOUSE BILL NO. 1142, requiring felony judgments to contain fingerprints of the person convicted (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED HOUSE BILL NO. 1232, permitting catalytic converters to be removed from emergency vehicles (reported by Committee on Transportation):

MAJORITY recommendation: No recommendation.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Guess, Keefe, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 1260, modifying the bond, licensing, and fees provisions of the insurance laws (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.



Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.  
Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 1262, modifying assessments of insurance guaranty association members (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 6, 1977.

SUBSTITUTE HOUSE BILL NO. 1310, defining date of filing with regard to a permit for a variance or a conditional use under the shoreline management act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Murray, North.

Passed to Committee on Rules for second reading.

May 6, 1977.

HOUSE JOINT MEMORIAL NO. 12, memorializing the President and Congress to terminate airline mutual aid pacts (reported by Committee on Transportation):

MAJORITY recommendation: No recommendation.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bottiger, Keefe, Talley, von Reichbauer.

Passed to Committee on Rules for second reading.

May 5, 1977.

HOUSE CONCURRENT RESOLUTION NO. 30, proposing start of electoral and fiscal biennia, in alternate years (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Mardesich, Matson, Morrison, Rasmussen, Ridder, Sandison, Scott.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

May 6, 1977.

REV. SAMUEL B. MCKINNEY, to the position of member of the Commission for Vocational Education, appointed by the Governor on March 28, 1977 for the term ending July 1, 1981, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

MESSAGE FROM THE SECRETARY OF STATE  
DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY

May 6, 1977.

TO THE HONORABLE, THE PRESIDENT OF THE STATE SENATE, THE LEGISLATURE OF THE STATE OF WASHINGTON, OLYMPIA, WASHINGTON.

MR. PRESIDENT:

We herewith respectfully transmit for your consideration of a section vetoed by the governor, Senate Bill 2325, the remainder of which has been designated Chapter 19, Laws of 1977, 1st ex. sess., together with a copy of the official veto message of the governor setting forth her objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, at Olympia on the 6th day of May, 1977.

DUANE C. WOODS  
Assistant Secretary of State.

GOVERNOR'S MESSAGE ON PARTIAL VETO  
TO SENATE BILL NO. 2325

Office of the Governor, May 6, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SENATE BILL NO. 2325 entitled:

"An Act Relating to cities, towns, counties, and other units of local government; adding a new chapter to Title 43 RCW; and declaring an emergency."

Section 8 of the bill declares an emergency and provides for the act to take effect immediately. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

In this case, not only is the use of the clause unwarranted by the urgency of the situation, but the use also eliminates the adjustment period that would be helpful for affected units of local government. For these reasons, I have vetoed this section.

With the exception of section 8, which I have vetoed, the remainder of Senate Bill No. 2325 is approved.

Sincerely,  
DIXY LEE RAY  
Governor.

MOTIONS

On motion of Senator Odegaard, Senators Bausch, Goltz and Walgren were excused.

On motion of Senator Jones, Senator Matson was excused.

## SECOND READING

HOUSE BILL NO. 657, by Representatives Ehlers, Nelson (Gary) and Sommers (by State Auditor request):

Removing the state auditor from membership on the state retirement board.

The bill was read the second time by sections.

Senator Day moved adoption of the following amendment by Senators Day and Woody:

On page 1, beginning on line 10, after "attorney general, the" strike "state treasurer" and insert "~~((state treasurer))~~ speaker of the house of representatives"

Debate ensued.

There being no objection, the amendment by Senators Day and Woody was withdrawn by Senator Day.

On motion of Senator Mardesich, the following amendment by Senators Mardesich, Scott and Marsh was adopted:

On page 1, line 10, after "follows:" strike all the matter down through "governor" on line 11 and insert "~~((The insurance commissioner, the attorney general, the state treasurer, the state auditor))~~ Four members of the public appointed by the governor with the advice and consent of the senate"

On motion of Senator Marsh, the rules were suspended, House Bill No. 657, 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. 657, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senators Pullen, Rasmussen—2.

Excused: Senators Bausch, Cunningham, Goltz, Matson, Murray—5.

HOUSE BILL NO. 657, as amended by the Senate, having received the constitutional majority, 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. 755, by Representatives Conner, McCormick, Berentson, Enbody and Gilleland:

Providing for tamperproof licenses and identicards.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 755 was advanced to third reading, the second 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. 755, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Benitz, Mardesich, Monohon, Peterson—4.

Excused: Senators Bausch, Cunningham, Goltz, Matson, Murray—5.

HOUSE BILL NO. 755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

May 6, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 852, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 506,

HOUSE BILL NO. 613, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 6, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 118, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 506,

HOUSE BILL NO. 613,

HOUSE BILL NO. 852.

#### MOTION

At 2:00 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Tuesday, May 10, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, May 10, 1977.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bausch, Cunningham, Francis and Marsh. On motion of Senator Jones, Senator Cunningham was excused.

The Color Guard, consisting of Pages Sue Thurston and Scott Jeffers, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD GOD AND HEAVENLY FATHER, WITHOUT WHOM NOTHING IS GOOD AND NOTHING IS HOLY, STRENGTHEN THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON, AS THEY MOVE TOWARD THE FINAL DAYS OF THEIR MEETINGS. GIVE THEM PATIENCE AND PERSEVERANCE IN THE RUSH TO CONCLUDE THEIR BUSINESS AND IN THE MIDST OF OFT-TIMES CONFLICTING DEMANDS. ASSIST THEM MIGHTILY TO PROVIDE EQUITABLE SOLUTIONS TO THE MAJOR PROBLEMS WHICH ASSAIL OUR STATE. FINALLY, GRANT US ALL AN EVER-GROWING SENSE OF YOUR PRESENCE IN POWER THAT YOUR HAND MAY BE MORE READILY PERCEIVED AMID THE INEVITABLE DECISIONS AND CHOICES THAT ARE MADE. THROUGH JESUS CHRIST YOUR SON, OUR LORD. AMEN."

### MOTION

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

March 14, 1977.

HOUSE BILL NO. 46, authorizing adjustments of workmen's compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman, Grant, Mardesich, Peterson.

Passed to Committee on Rules for second reading.

April 27, 1977.

ENGROSSED HOUSE BILL NO. 59, providing for collective bargaining at the state institutions of higher education (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Morrison, Peterson.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 338, providing for the removal of bank officers and bank cease and desist orders by the supervisor (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Walgren.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 348, permitting emergency suspension or restriction of nursing home operations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, McDermott, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 400, authorizing a pilot project to be known as the Washington innovation service institute (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED HOUSE BILL NO. 429, requiring the department of labor and industries to conduct railroad safety inspections relating to employees (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 508, regulating the sale of hypodermic needles (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, McDermott, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

April 25, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 520, providing statutory consumer protection in certain areas of automobile insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 534, allowing the revocation of food fish and shellfish licenses for violations of food fish and shellfish laws (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senator Peterson, Chairman; Beck, Pullen, Talley, Wanamaker.  
Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 538, regulating social workers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Vice Chairman; Buffington, Cunningham, Francis, Gould, McDermott, Monohon, Wojahn.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 550, regulating automotive repair (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison.

Passed to Committee on Rules for second reading.

May 5, 1977.

ENGROSSED HOUSE BILL NO. 541, adjusting workmen's compensation for permanent partial disabilities (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Morrison, Peterson.

Passed to Committee on Rules for second reading.

May 6, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 604, revising the state industrial insurance laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED HOUSE BILL NO. 746, modifying terms of office of members of county legislative authorities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming; North, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 837, providing for preservation of the Mount Si and Little Si area (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, requiring independent audits for nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, Herr, Monohon, Wojahn.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1213, authorizing housing authorities to purchase mortgage loans (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1278, authorizing local governments to use state and local funds for senior citizen and other programs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Fleming, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

May 9, 1977.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 1191,

ENGROSSED HOUSE BILL NO. 1252, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The House has adopted: SUBSTITUTE HOUSE JOINT RESOLUTION NO. 36, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2063, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 563 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 287, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 9, 1977.

Mr. President: The House has passed SENATE BILL NO. 2208 with the House amendment to page 1, line 16, and the same is herewith transmitted.

DEAN F. FOSTER, Chief Clerk.



## MESSAGE FROM THE HOUSE

May 9, 1977.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 2082, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Ehlers, Walk and Taller.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute Senate Bill No. 2082 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 2082 and the House amendments thereto: Senators Wilson, Day, and Gould.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 5, 1977.

Mr. President: The House refuses to recede from its amendment to ENGROSSED SENATE BILL NO. 2156 and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference committee: Representatives Douthwaite, Grier and Haley.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2156 and the House amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2156 and the House amendment thereto: Senators Day, Woody and Clarke.

## MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1191, by Representatives Charnley, Haley, Chandler, Hawkins, Blair, Boldt, Valle, Ehlers, Hanna and Zimmerman:  
Providing for the creation and management of a scenic river system.  
Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 1252, by Representatives Shinpoch, Blair and Thompson:

Authorizing bonds for certain detention and correction facilities.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 36, by Committee on State Government (originally sponsored by Representatives Warnke, O'Brien and Smith) (by Governor Ray request):

Amending the Constitution to allow the state, its political subdivisions, and municipal corporations to lend their credit to the extent of certain special revenues.

Referred to Committee on State Government.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2063.

SENATE BILL NO. 2208.

#### MOTION

At 10:17 a.m., on motion of Senator Walgren, the Senate recessed until 11:30 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Joint Resolution No. 116.

#### SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 116, by Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Lewis, Bausch and Gaspard):

Permitting the lending of state and local government credit for energy conservation services and materials.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 116. The substitute resolution was substituted for the original resolution on April 21, 1977.

Senator Bottiger moved adoption of the following amendment:

Beginning on line 3, strike everything after the resolution clause and insert:

"THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the state Constitution by adding a new section to Article VIII to read as follows:

**NEW SECTION.** Article VIII, section . . . . Notwithstanding the provisions of sections 5 or 7 of this Article, any county, city, town, municipal corporation, or political subdivision of the state which is engaged in the generation, sale, or distribution of energy may, as authorized by the legislature, use public moneys or credit to purchase, install, sell, rent or lease materials or equipment, including, but not limited to, building insulation, storm windows and doors, heat pumps, and furnaces, for use in residential structures, for the conservation or more efficient use of energy.

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."

### POINT OF INQUIRY

Senator Matson: "Mr. President, will Senator Bottiger yield to a question? Senator Bottiger, are there existing institutions that are willing to lend money for this type of improvements?"

Senator Bottiger: "Senator Matson, I have been noticing an ad in the paper for eight and three quarters percent interest. One of the banks is willing to do it. I also understand that not just anybody can get that loan, that if you meet certain credit requirements you can. Washington Natural Gas has not imposed that kind of tight credit requirements on their program, and I would presume that the PUD or the City Light would not either."

Senator Matson: "Senator Bottiger, one further question. Whether or not these types improvements are financed through commercial existing sources or through an enactment such as this, the consumer is going to end up to pay the bill in the end, is that not correct?"

Senator Bottiger: "I would hope that the consumer would pay the loan off. The PUD's and the light companies have some form of lien rights on the house. If you don't pay your light bill, your lights get turned off and you can't get them turned on until you do, so I would say, 'yes', they will pay."

The motion by Senator Bottiger carried and the amendment was adopted.

### MOTIONS

On motion of Senator Odegaard, Senator Woody was excused.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 116 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 Substitute Senate Joint Resolution No. 116 and the resolution failed to pass the Senate by the following vote: Yeas, 26; nays, 18; excused, 5.

Voting yea: Senators Bluechel, Bottiger, Day, Fleming, Gaspard, Grant, Henry, Herr, Jones, McDermott, Monohon, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—26.

Voting nay: Senators Beck, Benitz, Buffington, Clarke, Donohue, Goltz, Gould, Guess, Hayner, Keefe, Lewis, Mardesich, Matson, Morrison, Newschwander, North, Pullen, Scott—18.

Excused: Senators Bausch, Cunningham, Francis, Marsh, Woody—5.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 116, having failed to receive the constitutional two-thirds majority, was declared last.

### MOTION FOR RECONSIDERATION

On motion of Senator Goltz, the Senate moved to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 116 failed to pass the Senate.

## MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Joint Resolution No. 116 was ordered held on the third reading calendar, on reconsideration, for May 11, 1977.

## SECOND READING

**SENATE BILL NO. 2186**, by Senators Guess and Washington:  
Exempting solar heating and energy saving improvements from the sales and use tax.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2186 was substituted for Senate Bill No. 2186 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2186 was advanced to third reading, the second 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. 2186 and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; excused, 5.

Voting yea: Senators Bluechel, Bottiger, Buffington, Clarke, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Lewis, McDermott, Monohon, Morrison, Murray, Newschwander, Pullen, Ridder, Sandison, Sellar, Talley, Walgren, Washington, Wilson, Wojahn—27.

Voting nay: Senators Beck, Benitz, Day, Donohue, Grant, Jones, Keefe, Mardesich, Matson, North, Odegaard, Peterson, Rasmussen, Scott, Van Hollebeke, von Reichbauer, Wanamaker—17.

Excused: Senators Bausch, Cunningham, Francis, Marsh, Woody—5.

**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.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 68.

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 68**, by Committee on State Government (originally sponsored by Representatives Ehlers, Sommers, Nelson (Gary) and North):

Expanding the cemetery board and providing for its abolition in 1979.

## REPORT OF STANDING COMMITTEE

March 29, 1977.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 68**, expanding the cemetery board and providing for its abolition in 1979 (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 31, chapter 290, Laws of 1953 and RCW 68.05.040 are each amended to read as follows:

A cemetery board is created to consist of ~~((five))~~ six members to be appointed by the governor ~~((within thirty days after June 11, 1953. The terms of the members first appointed shall expire. One, January 15, 1954; one, January 15, 1955; one, January 15, 1956; and two, January 15, 1957)).~~ Immediately after the effective date of this 1977 amendatory act, all positions on the board shall become vacant, and the governor shall appoint two members to hold office for a period of one year, two to hold office for a period of two years, and two to hold office for a period of three years. Thereafter appointments shall be for a four year term or until the board is abolished, whichever occurs first.

Sec. 2. Section 32, chapter 290, Laws of 1953 and RCW 68.05.050 are each amended to read as follows:

Three members of the board shall be ~~((appointed only from))~~ persons who have had ~~((, immediately preceding their appointment,))~~ a minimum of five ~~((consecutive))~~ years experience in this state in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period ~~((and shall at the time of their appointment, have the actual and full authority of a president, general manager, or executive vice president, but they shall hold office only so long as they continue in such active, actual, and authoritative capacity. The five year consecutive period shall be exclusive of time spent in the armed services)).~~ Two members of the board shall be persons who have legal, accounting, or other professional experience which relates to the duties of the board. The sixth member of the board shall represent the general public and shall not have a financial interest in the cemetery business.

Sec. 3. Section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in form prescribed by the board setting forth:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

(4) A statement showing the information required to be filed pursuant to RCW 68.46.090.

These reports shall be verified by the president or vice president ~~((and))~~<sup>2</sup>, one other officer of the cemetery authority ~~((and shall be certified by))~~, the accountant or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

Sec. 4. Section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the board, based on the number of interments, entombments, and inurnments made during the preceding full calendar year, but not exceeding ~~((twenty-five))~~ one hundred dollars for one hundred or less, ~~((fifty))~~ two hundred dollars for one hundred one to three hundred fifty, ~~((seventy-five))~~ three hundred dollars for three hundred fifty-one to seven hundred, ~~((one))~~ five hundred dollars for seven hundred one or more; plus an additional charge of not more than ~~((fifty cents))~~ one dollar per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

Sec. 5. Section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the cemetery board a written report upon forms prepared by the cemetery board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually and shall be verified by the president, ~~((and))~~ the secretary or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

NEW SECTION. Sec. 6. There is added to chapter 68.46 RCW a new section to read as follows:

The provisions of this chapter do not apply to any of the following: Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.

NEW SECTION. Sec. 7. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In the title, strike everything after "AN ACT" and insert "Relating to cemeteries; amending section 31, chapter 290, Laws of 1953 and RCW 68.05.040; amending section 32, chapter 290, Laws of 1953 and RCW 68.05.050; amending section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180; amending section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230; amending section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090; and adding a new section to chapter 68.46 RCW."

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

On motion of Senator McDermott, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 2, line 45, strike "and a certified public accountant in accordance with generally accepted auditing standards." and insert "and an accountant employed by the securities division of the department of licenses, chapter 21.20 RCW, in accordance with generally accepted auditing standards."

On page 3, line 43, strike "and a certified public accountant in accordance with generally accepted auditing standards." and insert "and an accountant employed by the securities division of the department of licenses, chapter 21.20 RCW, in accordance with generally accepted auditing standards."

The motion by Senator Rasmussen carried and the committee amendment, as amended, was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen the rules were suspended, Engrossed Substitute House Bill No. 68, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 68, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 15; absent or not voting, 1; excused, 5.

Voting yea: Senators Bluechel, Bottiger, Day, Donohue, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Washington, Wojahn—28.

Voting nay: Senators Beck, Benitz, Buffington, Clarke, Gould, Guess, Hayner, Jones, Lewis, North, Pullen, Sellar, von Reichbauer, Wanamaker, Wilson—15.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bausch, Cunningham, Francis, Marsh, Woody—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 601, by Committee on Commerce (originally sponsored by Representatives Hanna, Warnke, Hawkins, Adams, Salatino, Grier, Hansen, Heck, Gallagher, McCormick and Gaines):

Revising gambling laws on card games.

The bill was read the second time by sections.

Senator Wilson moved adoption of the following amendment by Senators Wilson, Bottiger and Wanamaker:

On page 1, following line 27, insert a new paragraph as follows:

"The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter."

### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I had a question for Senator Wilson. Senator Wilson, will you yield to a question? Will the flipping or the matching of coins

on the premises, is there any limit on the amount or kinds? If I have my restaurant and I want to draw a line and say, 'We will flip for dollars out there,?'"

Senator Wilson: "No, the amendment does not permit flipping for money or for anything else except food and beverage which is consumed on the premises."

Senator Rasmussen: "Well, it says, 'the flipping or the matching of coins,' and that is what got me interested. You can get into pretty big coins."

Senator Wilson: "Yes, but you are not flipping coins to see who gets the coin, you are flipping coins to see who pays for the coffee."

Senator Rasmussen: "We are not low on coffee. You might even be buying the restaurant that the food is served in."

Senator Wilson: "No, it does not pertain to real estate. It pertains only to food and beverages."

### POINT OF INQUIRY

Senator Talley: "Would Senator Wilson yield? Would it be all right for the bartender to flip with with you to see whether he is going to pay for it or you?"

Senator Wilson: "Yes."

The motion of Senator Wilson carried and the amendment was adopted.

Senator Talley moved adoption of the following amendment:

On page 1, section 1, following line 27, insert a new subsection to read as follows:

"(g) Bona fide nonprofit fraternal organizations existing nation-wide shall be entitled to own and operate for the use of their members and their guests, slot machines on the premises where they conduct their usual and customary activities. They shall pay to the state of Washington a master license fee of one thousand dollars for each such slot machine and an additional ten percent of the gross revenue derived from the operation of each machine. Such machines shall be operated and maintained in accordance with rules and regulations to be promulgated by the state gambling commission. Persons owning, operating, and playing slot machines authorized hereunder, shall not be subject to the criminal or civil penalties otherwise provided in this chapter or in the Washington criminal code."

Debate ensued.

The motion by Senator Talley failed and the amendment was not adopted on a rising vote.

### PERSONAL PRIVILEGE

Senator Wilson: "Mr. President, a moment ago Senator Talley asked a question about whether a coin could be flipped or some such activity could be done with respect to whether the house or the customer would pay for a beverage. I would like to clarify my answer by stating that nothing in this amendment is intended to overrule any regulations that the state liquor board may now have in effect."

### REMARKS BY SENATOR TALLEY

Senator Talley: "Will you inform Senator Wilson I didn't care for his clarification?"

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 601, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### PARLIAMENTARY INQUIRY

Senator North: "Does this require a sixty percent majority?"



## REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator North."

## POINT OF INQUIRY

Senator Guess: "Mr. President, I would like to ask Senator Van Hollebeke if he would yield? Senator Van Hollebeke, this has been described as a poor man's gambling club. As I understand what you just said, it will require that each person who sits in a chair will have to pay two dollars an hour to sit there. Is that right?"

Senator Van Hollebeke: "That is correct."

Senator Guess: "If a man gambles and doesn't have a job, for instance, he gambles forty hours a week. Does this mean that his use of that club is going to be three hundred and fifty-two dollars a month?"

Senator Van Hollebeke: "He is going to need additional revenue if he doesn't have a job to do this. I don't think the one you are thinking of is going to be in the picture very long at two dollars an hour.

Unless he is a good card player, Senator McDermott mentioned. It does put in the statute what is now being done by the gambling commission, a dollar per half-hour fee."

Senator Guess: "Shouldn't we have put in there a discount rate if he gambles more than forty hours in any one week, shouldn't he get the rest of the month free?"

Senator Van Hollebeke: "I think that would be reasonable, maybe some kind of a loser's discount, too. Do you want to move it back to second reading?"

## REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President and ladies and gentlemen, additional clarification. The fee that is established is strictly a maximum, and what we found out in committee is that these card rooms, the card game was originally designed as a commercial stimulant. That is, no one could make a profit from actually offering the cards or facilities for playing. What has happened is that the facilities offering these card games have found that when people are playing cards seriously they don't drink, they don't take time to eat, and so forth, so they have been losing money. This just merely provides that they don't have to juggle their books when they do make a charge for people to come in and play cards. Senator Guess, I am sure that a limited number of them will charge the maximum fee allowable by the gambling commission."

Further debate ensued.

## POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator Wilson yield to a question? Senator, in your amendment it makes no reference to juveniles. Would you interpret this that students in a high school could go to the local hamburger stand and play dice for their Big Mac's?"

Senator Wilson: "Senator Gould, I believe that would be permitted under the wording of this amendment. May I say further however, that since time immemorial, starting probably with the arrival of Lewis and Clark, in local restaurants, at least in the small towns that I am familiar with, each morning the businessman and some clerks and other people have gathered around the largest table in the restaurant and have had their morning coffee, have obtained a cup and some biodegrad-

able dice from the waitress and have had a game of what they call 'horse' or some variation of it to see who is going to pay for the coffee. It provides about ten minutes of very innocent entertainment. Nobody gets hurt because the total bill comes to a dollar or a dollar and a half, or so on. That is all that I have in mind with this amendment, and I think its passage will result in nothing more than that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Would Senator Van Hollebeke yield to a question? Senator Van Hollebeke, the gambling commission now has one of its rules and regulations to permit a dollar for half an hour for a seat at a table. If this bill were not to pass, would this in your opinion cause the gambling commission to rescind that rule?"

Senator Van Hollebeke: "I would doubt it."

Senator Wojahn: "Thank you, you have answered my question."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 601, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 601, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 27, nays, 17; absent or not voting, 1; excused, 4.

Voting yea: Senators Beck, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Grant, Henry, Herr, Jones, Keefe, Mardesich, Matson, Monohon, Morrison, Murray, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson—27.

Voting nay: Senators Benitz, Bluechel, Buffington, Goltz, Gould, Guess, Hayner, Lewis, McDermott, Newschwander, North, Pullen, Ridder, Scott, von Reichbauer, Washington, Wojahn—17.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bausch, Cunningham, Marsh, Woody—4.

SUBSTITUTE HOUSE BILL NO. 601, as amended by the Senate, having failed to receive the constitutional sixty percent majority, was declared lost.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, 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 Odegaard, Senator Donohue was excused.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 9, 1977.

HOUSE BILL NO. 21, increasing allowable investment by banks and trust companies in stock of small business investment companies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, regulating lending practices of financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Herr, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 480, providing program of bilingual instruction in the common schools and state aid therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass and refer to Ways and Means Committee.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray, Washington.

Referred to Committee on Ways and Means.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 572, permitting variable interest loans on life insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Herr, Jones, Walgren.

Passed to Committee on Rules for second reading.

May 4, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 581, providing for the substitution of prescription drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, North, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 674, revising laws relating to the sale or transfer of agricultural products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Benitz, Wanamaker.

Passed to Committee on Rules for second reading.

May 9, 1977.

**SUBSTITUTE HOUSE BILL NO. 681**, designating core services of educational service districts for budgeting purposes (reported by Committee on Education):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

May 9, 1977.

**SUBSTITUTE HOUSE BILL NO. 697**, mandating learning objectives for grades K-12 for statutorily required courses (reported by Committee on Education):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

Passed to Committee on Rules for second reading.

May 9, 1977.

**ENGROSSED HOUSE BILL NO. 708**, authorizing the traffic safety commission to engage in programs relating to bicycle use and safety (reported by Committee on Transportation):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Talley.

Passed to Committee on Rules for second reading.

May 9, 1977.

**SUBSTITUTE HOUSE BILL NO. 737**, allowing school districts to pay for insurance for students in interdistrict activities (reported by Committee on Education):

**MAJORITY** recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Murray, Washington.

Passed to Committee on Rules for second reading.

**MINORITY** recommendation: Do not pass.

Signed by: Senators Gould, Hayner.

Passed to Committee on Rules for second reading.

May 9, 1977.

**SUBSTITUTE HOUSE BILL NO. 798**, expanding the right to be free from discrimination (reported by Judiciary Committee):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 9, 1977.

**SECOND SUBSTITUTE HOUSE BILL NO. 874**, modifying the conditions for receiving state funds for probation services (reported by Committee on Ways and Means):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Morrison, Murray, Rasmussen, Ridder, Scott, Woody.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1132, designating the commercial driving record of a person separately for commercial insurance purposes (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Herr, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1146, revising regulation of the trucking industry (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1254, regulating boating (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1348, providing for increased coverage for uninsured motorists at the purchaser's option (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senator Woody, Chairman; Herr, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

## SECOND READING

ENGROSSED HOUSE BILL NO. 816, by Representatives Maxie, O'Brien, Lux, Burns, Blair and Douthwaite:

Giving tenants a priority for purchasing highway lands.

The bill was read the second time by sections.

On motion of Senator McDermott, Engrossed House Bill No. 816 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 McDermott yield to a question? Senator McDermott, does this allow those people you said living in the area or are they the people that are the tenants?"

Senator McDermott: "Senator Rasmussen, it is the tenants."

Senator Rasmussen: "The people that are the tenants—"

Senator McDermott: "Yes, the people that are living there."

Senator Rasmussen: "What does it do for the people that previously owned the houses and were condemned and forced out of them?"

Senator McDermott: "I would yield to Senator Fleming, if I may, Senator Rasmussen."

Senator Fleming: "Senator Rasmussen, in answer to your question, I don't think this bill does anything different to those people than could be done without the bill. This bill is mainly concerned with those individuals that have been renting or leasing these properties from the highway department, so as to give them the first right of refusal in buying this property because they can't do it now under state law, and that is basically the only thing it deals with."

Senator Rasmussen: "It does not allow first priority to those people that had their houses condemned."

Senator Fleming: "If they don't have that ability at this point in time under the law, this would not do anything to change it, from my understanding."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 816, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent or not voting, 4; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Keefe, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Voting nay: Senators Jones, Lewis, Rasmussen—3.

Absent or not voting: Senators Grant, Herr, Mardesich, Sandison—4.

Excused: Senators Bausch, Cunningham, Donohue, Marsh, Woody—5.

ENGROSSED HOUSE BILL NO. 816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 3074, by Senators Talley and Henry:

Exempting imported goods while still in the original shipping package from property taxation.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, Senate Bill No. 3074 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 Buffington: "Will Senator Talley yield to a question? Senator Talley, does this mean, then, that a company in the state of Washington who imports, say, a product from outside of the state of Washington, does this mean that that person can then turn around and sell it outside the state of Washington again and be free of that taxing situation within the state when they first import it?"

Senator Talley: "Senator Buffington, what we are talking about here is when merchandise is unloaded off a ship it is placed into a warehouse, and it is still under the ownership of whoever either owns it or who has purchased it or who intends to purchase it, or he intends to market it. Until it comes out of that case, it is considered cargo. It is cargo when it came in, been unloaded or placed in storage to be forwarded to whoever is going to buy those goods. Under this new proposal those goods in storage will be subject to a tax. They can say what they like, and they seem to have their facts, but I know for a fact that we lost a big tire contract for one simple reason because they were afraid they were going to impose a tax."

"Senator Jones, if you are smarter than I am and you know the code of the waterfront, maybe you know, I don't."

Senator Buffington: "Mr. President, if I may continue to ask my question of Senator Talley, I am concerned more about the individual—I still am not clear. Is it the person who owns whatever it is that is being shipped in does not necessarily have his business here in the state of Washington. Is that what you are saying?"

Senator Talley: "It is moving through, most of it."

Senator Buffington: "Moving through. All right, thank you very much."

Senator Talley: "It is unloaded here and forwarded."

Further debate ensued.

#### MOTION

At 2:00 p.m., Senator Walgren moved the Senate adjourn.

#### MOTIONS

On motion of Senator Bluechel, the rules were suspended and Senate Bill No. 3074 was returned to second reading.

On motion of Senator Walgren, Senate Bill No. 3074 was ordered held on the second reading calendar for May 11, 1977.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate reconsider the vote by which Substitute House Bill No. 601, as amended by the Senate, failed to pass the Senate.

Debate ensued.

#### POINT OF INFORMATION

Senator Beck: "Thank you, Mr. President and ladies and gentlemen, a point of information. What was the tally when this bill was voted on before?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Twenty-seven to seventeen, Senator Beck."

#### POINT OF INFORMATION

Senator Beck: "What is the percentage by which a bill must receive?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Sixty percent, thirty or more votes."

#### POINT OF INFORMATION

Senator Beck: "Sixty percent of the membership or sixty percent of those voting?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Sixty percent of the membership. For final passage of this bill it will require a minimum of thirty votes. Reconsideration calls for a simple majority."

## POINT OF INFORMATION

Senator Beck: "I was of the impression it was sixty percent of those voting."

## REPLY BY THE PRESIDENT

President Cherberg: "The President will check your point, Senator Beck, but is positive that it is sixty percent of the membership."

"Senate Joint Resolution 5, which was the measure, Senator Beck, requires a sixty percent vote of the members of each House of the Legislature."

The motion by Senator McDermott carried and the Senate moved to reconsider the vote by which Substitute House Bill No. 601, as amended by the Senate, failed to pass the Senate.

## MOTION

On motion of Senator Walgren, Substitute House Bill No. 601, as amended by the Senate, was ordered placed on the third reading calendar, on reconsideration, for May 11, 1977.

There being no objection, the Senate returned to the fourth order of business.

## MESSAGES FROM THE HOUSE

May 10, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 287,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 563, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 10, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 199,

HOUSE BILL NO. 755, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 199,

HOUSE BILL NO. 287,

SUBSTITUTE HOUSE BILL NO. 563,

HOUSE BILL NO. 755.

## MOTION

At 2:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, May 11, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SIXTY-SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, May 11, 1977.

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 Cunningham, Fleming, Guess and Newschwander. On motion of Senator Jones, Senators Cunningham, Guess and Newschwander were excused. On motion of Senator Odegaard, Senators Fleming was excused.

The Color Guard, consisting of Pages Donna Gann and Edward Gann, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF ALL HOPEFULNESS AND FATHER OF LIGHT, INSPIRE AND GUIDE THE MEMBERS OF THIS SENATE IN ACCOMPLISHING THE TASKS REMAINING BEFORE THEM. HELP THEM TO REMAIN STEADFAST IN THEIR CONVICTIONS IN THE FACE OF MOUNTING PRESSURES PRECEDING ADJOURNMENT. DISCOURAGE ILL WILL AND ANY PETTINESS WHICH PREVENTS POSITIVE ACTION ON BEHALF OF THE PEOPLE. KEEP BEFORE THEM THE GENUINE NEEDS OF ALL THE PEOPLE INCLUDING THOSE EMPLOYED BY THE STATE. PREVENT POLITICAL EXPEDIENCY FROM CLOUDING THE RESOLUTION OF PROBLEMS. AND FINALLY, LET US NEVER FORGET THAT ALL POWER FINALLY RESIDES WITH YOU. 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.

**REPORT OF STANDING COMMITTEE**

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 741, modifying property tax exemption laws pertaining to recapture penalties, reapplication procedures, and notification of change of use (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Morrison, Murray, Rasmussen, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 495.

## SECOND READING

ENGROSSED HOUSE BILL NO. 495, by Representative Lux (by Department of Employment Security request):

Modifying definitions under unemployment compensation law.

The Senate resumed consideration of Engrossed House Bill No. 495. On April 22, 1977, the committee amendment was ruled out of order.

Senator Ridder moved adoption of the following amendment:

On page 1, beginning on line 7, strike all of section 1 and renumber the remaining section accordingly.

## POINT OF INQUIRY

Senator Grant: "Will Senator Ridder yield? Senator Ridder, the intent of the original bill was to permit some back-dating of claims, and I note that is section 1 that is supposed to be removed by the floor amendment. Is that an option that is available under the other bill that was passed, or have we forgotten the original intent?"

Senator Ridder: "It is my understanding that that was included in the Senate amendment to 563."

On motion of Senator Ridder, the rules were suspended Engrossed House Bill No. 495, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Cunningham, Fleming, Guess, Newschwander—4.

ENGROSSED HOUSE BILL NO. 495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 104.

## SECOND READING

ENGROSSED HOUSE BILL NO. 104, by Representatives King, Berentson, Conner, Erickson, Fortson, Grier, Hansen, Knedlik, Kreidler, Moreau, North, Owen, Pearsall, Sherman, Shinpoch, Struthers, Vrooman and Walk:

Exempting volunteer firemen from the state minimum wage act.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 104 was advanced to third reading, the second 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. 104, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Cunningham, Fleming, Guess, Newschwander—4.

ENGROSSED HOUSE BILL NO. 104, having received the constitutional 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 Mardesich moved the Senate reconsider the vote by which Engrossed House Bill No. 104 passed the Senate.

## MOTION

On motion of Senator Mardesich, the motion for reconsideration on Engrossed House Bill No. 104 was ordered held for later today.

## SECOND READING

HOUSE BILL NO. 580, by Representatives Knowles, Knedlik, Vrooman, Hughes and Smith:

Making the possession of a device to evade telephone toll charges a felony.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, House Bill No. 580 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 Francis yield to a question? Senator Francis, what is the penalty for a felony conviction? Gross misdemeanor is, what, up to two hundred and fifty dollars?"

Senator Francis: "Gross misdemeanor, I believe, is a thousand dollars and up to a year in jail. A felony is either, is prison time. I am not sure what the maximum is on it under the present Title 9A."

Senator Rasmussen: "It could be ten years and a ten thousand dollar fine?"

Senator Francis: "It could be."

Senator Rasmussen: "And it is the feeling of the judiciary committee that the penalty of a year in jail and up to a thousand dollars fine is not severe enough?"

Senator Francis: "It would probably depend on the circumstances of the individual crime. The potential penalty is not always assigned to someone. The main reason we changed it was not the penalty alone, although certainly, they are facing a larger penalty, and we hope that that will be a great deterrent to using these devices to defraud the phone company, but more than that, it was the law enforcement, that is, the ability to catch them and the ability to prosecute them that is there with a felony that prompted us to go along with this House bill."

Senator Rasmussen: "Not owning a telephone company, or having no relationship with one, I would still think that this is rather using a baseball bat to hit a

mosquito. With only one case that I can recall that has been of any major proportion which concerned a movie star that was in the Seattle area, I can see the telephone company has gotten to its feet, so I suspect that I am going to be mowed down by a telephone pole, but I do think that that is going to a felony on this type of an operation is rather severe, and I don't think there is too much of it."

#### REMARKS BY SENATOR HENRY

Senator Henry: "I hate to confuse Senator Rasmussen with facts when he already has his mind made up, but the simple case is here that in the case of the so-called movie star, that he ran up a some ten or twelve thousand dollar bill. The prosecution made the mistake of filing it in a lower court. When he appealed, they could't hear it in superior court. That was the problem. There has been a number of cases, incidentally on this little jobby that was developed by three electronics students from the University of Florida, I believe, working on harmonic ringing. There is a case now in Seattle where there are three people that have been arrested, and they didn't even have a telephone in their house. It is possible to ring in on a circuit with this harmonic ringing that you hear those funny little beep tones when you are pushing the push button telephone without even using a telephone instrument, consequently bypassing the data processing equipment that records the call and how long it lasted, and so forth.

"In the case of the gentleman that—who is the namesake for one of our political writers, Mr. Cummings, that they did settle it out of court, but they couldn't take it to superior court because it had been filed in lower court first. Therefore we need the felony."

Debate ensued.

#### MOTIONS

On motion of Senator Buffington, the rules were suspended and House Bill No. 580 was returned to second reading.

Senator Buffington moved adoption of the following amendment:

On page 2, line 6, before "felony" insert "Class C"

Debate ensued.

There being no objection, on motion of Senator Buffington, the amendment was withdrawn.

#### MOTION

On motion of Senator Henry, the rules were suspended, House Bill No. 580 was advanced to third reading, the second 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. 580, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senators Grant, Rasmussen—2.

Excused: Senators Cunningham, Fleming, Guess, Newschwander—4.

HOUSE BILL NO. 580, having received the constitutional majority, 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. 294, by Committee on Ecology (originally sponsored by Representatives Zimmerman, Heck and Bauer):

Authorizing historical buildings to be an exception to antipollution laws.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Substitute House Bill No. 294 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 Francis: "Will Senator Henry yield? Senator Henry, did the 'dimwit' down in Southwest Washington have any choice, or was he just following the law as we have written it?"

Senator Henry: "I think you have noticed in the service and everything else, you put a pair of stripes on a guy's arm, and he immediately becomes Napoleon. I think there is plenty of justification for him to, if he could do this, he could also do away with fires in fireplaces which, no doubt, would be the next step."

Senator Francis: "Senator, that doesn't answer my question. I just want to know, does the law, right now before we amend it, give him any authority to look the other way on that historical fireplace?"

Senator Henry: "Well, I can't answer that, but the press and everybody else down there seemed to think that it did, including the federal—this is a federal park incidentally, and the man in charge is a U. S. government employee, and was considerably upset about this. He felt there was plenty of space there for the man to use a little discretion."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 294, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Cunningham, Fleming, Guess, Newschwander—4.

SUBSTITUTE HOUSE BILL NO. 294, having received the constitutional majority, 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. 424, by Representatives Douthwaite, Burns, Lux, Boldt, Leckenby, Pruitt, Nelson (Dick), Valle, Charnley, Hughes, Fischer, Knowles, Chandler, Grier and Bender:

Establishing the Washington state commission for the blind.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 424 was advanced to third reading, the second 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. 424 and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bluechel, Jones, Murray, Scott—4.

Absent or not voting: Senators Hayner, Mardesich—2.

Excused: Senators Cunningham, Fleming, Guess, Newschwander—4.

ENGROSSED HOUSE BILL NO. 424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 601.

### THIRD READING

SUBSTITUTE HOUSE BILL NO. 601, by Committee on Commerce (originally sponsored by Representatives Hanna, Warnke, Hawkins, Adams, Salatino, Grier, Hansen, Heck, Gallagher, McCormick and Gaines):

Revising gambling laws on card games.

### MOTION

On motion of Senator Walgren, the rules were suspended and Substitute House Bill No. 601 was returned to second reading.

### MOTION FOR RECONSIDERATION

Senator Mardesich moved the Senate do now reconsider the vote by which Engrossed House Bill No. 104 passed the Senate.

### POINT OF INQUIRY

Senator Morrison: Would Senator Mardesich yield to a question? Senator Mardesich, the volunteer fire fighters have their own retirement system which is administered at the state level. It is exclusively paid for with local funds. I am wondering if we are not cross threading that particular system."

Senator Mardesich: "You may have a point. Mr. President, it may require that the volunteer fire system be excluded, and if you want to hold that measure over, we will check that out."

## MOTION

At 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 12:08 p.m.

## NOON SESSION

The President called the Senate to order at 12:08 p.m.

## MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 601.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 601, by Committee on Commerce, (originally sponsored by Representatives Hanna, Warnke, Hawkins, Adams, Salatino, Grier, Hansen, Heck, Gallagher, McCormick and Gaines):

Revising gambling laws on card games.

The Senate resumed consideration of Substitute House Bill No. 601. On May 10, 1977, the bill was amended, and failed to pass the Senate. On motion of Senator McDermott, the Senate moved to reconsider the vote by which Substitute House Bill No. 601, as amended by the Senate, failed to pass the Senate. The bill was placed on third reading by Senator Walgren on that day and held for further consideration today.

Earlier today, the bill was returned to second reading by Senator Walgren.

On motion of Senator Gould, the following amendment was adopted:

On page 1, following Senator Wilson's amendment to page 1, line 27, insert the following: After "chapter" and before the period in the Wilson amendment, insert "PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this 1977 amendatory act"

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 601, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator Van Hollebeke yield? Does this allow in any way for outside organizations to come into a private club and put on any form of gambling? Does it have to be done only under the control of the private club?"

Senator Van Hollebeke: "It has to be done under the control of the club."

Senator Gould: "No one else can come in and put it on for them?"

Senator Van Hollebeke: "That is right."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 601, as amended by the Senate, and the bill passed the Senate on reconsideration, by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Grant, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Odegaard, Peterson, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—31.

Voting nay: Senators Bluechel, Buffington, Goltz, Gould, Guess, Hayner, Lewis, McDermott, North, Pullen, Ridder, Scott, von Reichbauer, Washington, Wojahn—15.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Cunningham, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 601, as amended by the Senate, having received the constitutional majority, on reconsideration was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:22 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2910.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 2910, by Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Bailey, Rasmussen, Beck, Lewis, Hayner, Sellar and Benitz) (by Governor Ray request):

Revising statutes relating to energy facility site selection.

The Senate resumed consideration of Substitute Senate Bill No. 2910. On April 20, 1977, Substitute Senate Bill No. 2910 was substituted for Senate Bill No. 2910 and the substitute bill was amended at that time.

On motion of Senator Mardesich, amendments to Substitute Senate Bill No. 2910 will not be required to be considered in order.

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously:

On page 4, line 15, after "pipeline" insert "of the following dimensions".

On page 4, line 19, after "pipeline" insert "of the following dimensions".

### POINT OF INQUIRY

Senator Mardesich: "Mr. President, this is not with respect to an amendment, and may be somewhat out of order, but I wish that Senator Bottiger would yield to a question. Senator Bottiger, with respect to the language which sets the pipeline larger than fourteen inches, you are saying, in effect, on page 4, yes. You are saying in effect that such a line will not have to come under the siting law, but would rather be governed by the interstate national gas pipeline regulations, is that it?"

Senator Bottiger: "No, Senator Mardesich, that is not what I am saying. On page 4, you have a list. As a matter of fact, the first several pages are talking about those kinds of transmission facilities that must go to the siting council. If you will notice that we are saying 'a pipeline larger than fourteen inches' so if it is fourteen inches or less, and less than fifteen miles, then they don't have to go to the siting council.



"If they are larger than, or go more than fifteen miles, then they must go to the siting council, so Senator Guess's amendment of the following dimensions, 'a pipeline of the following dimensions' and then talks about both of the two subjects. They don't have to go to the siting council."

Senator Mardesich: "Would that pertain to an oil line, as well, then?"

Senator Bottiger: "No, sir. It is a natural gas, synthetic fuel or liquified petroleum gas transmission line."

Senator Mardesich: "Question. Could a company put in a line of fourteen inches and then lay down a series of lines fourteen inches or less in tandem and bypass the requirements of the siting law if they were moving, say, from Cherry Point to the Canadian border?"

Senator Bottiger: "No."

Senator Mardesich: "Tell me why not. It seems to me that is possible."

Senator Bottiger: "First of all, we are talking about natural gas, synthetic gas—O.K. Now you are saying, could we put in a natural gas pipeline—several small ones? In my opinion, the answer would be 'no.' It is for the purpose of delivering gas to a distribution facility. I don't see the problem, and I think that any interpretation that would allow them to multiple-lay lines would be clearly in violation of the intent of this thing, and I don't foresee that kind of a problem."

Senator Monohon moved the following amendments be considered and adopted simultaneously:

On page 8, line 3, after "proposed" strike "port" and insert "((port)) energy"

On page 8, line 4, after "as a" strike the remainder of the sentence and insert "((non-voting member to the council)) voting member to the council. For an energy facility which is proposed to be located in more than one port district, the Washington public ports association shall appoint, as a voting member, one representative member and an alternate to the council to represent all such port districts. The representative or alternate of the Washington public ports association shall exercise a proxy vote as directed by the appropriate port district at such times as the council considers the site for such port district."

Debate ensued.

The motion by Senator Monohon failed and the amendments were not adopted on a rising vote.

On motion of Senator Bottiger, the following amendments were adopted:

On page 8, line 17, after "regulations" insert ", pursuant to chapter 34.04 RCW,"

On page 9, line 13, after "certification" insert ": PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring"

On page 9, line 32, after "dimensions" strike "of an energy facility defined in RCW 80.50.020 and insert "((defined in RCW 80.50.020)) set forth in RCW 80.50.020(7) and (17), as now or hereafter amended"

On page 10, line 4, after "dimensions" strike "of an energy facility defined in RCW 80.50.020" and insert "((of an energy facility)) set forth in RCW 80.50.020(7) and (17)"

There being no objection, on motion of Senator Bottiger, the amendment by Senator Bottiger to page 15, beginning on line 30 on the desk of the Secretary of the Senate, was withdrawn.

Senator Guess moved adoption of the following amendment:

On page 15, line 30 after "chapter." insert:

"(2) In an action brought against the Council, applicant, or the certificate holder seeking a judgment for damages or equitable relief, the plaintiff shall be

required to enter into a bond, in such a sum as shall be fixed by the court. In determining the amount of the bond posted, the court may consider the probable cost to the public in terms of inconvenience, delayed use of the proposed facilities, and escalation of costs of delayed construction of the facilities that may be incurred as a result of a delay subsequently found to be without good cause.

(3) In any action brought against the Council, applicant, or the certificate holder, the prevailing party shall be awarded costs and reasonable attorney's fees which arise from the action."

Renumber remaining subsections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Clarke: "Will Senator Bottiger yield? Senator, assuming what you say is correct, and that is if an injunction is formally asked, then there is a statute which, in substance, requires a bond, could there not be a situation however, where an injunction is not sought but the practical effect of bringing an action would inevitably delay the proceeding until such time as the action was brought to a culmination even though a formal injunction is not asked?"

Senator Bottiger: "Senator Clarke, there surely could. A large suit which after analysis has some merit, the bonding company might say, 'stop until you get that solved.'"

Senator Clarke: "Could I ask one other as you go along? Assuming that is true, the amendment still would leave it entirely to the discretion of the court so that if the court felt that the action, in effect, was not frivolous and had merit, then you would expect the court not to require a bond. My philosophy in connection with this is that this is aimed primarily at preventing delays through frivolous suits, and it leaves it entirely up to the discretion of the court, in substance, to decide whether the suit appears to be frivolous, and if so, to require a bond, otherwise not to require a bond."

Senator Bottiger: "My experience with what has happened in highway construction is that is exactly the occasion. The courts have set bonds from three thousand to thirty thousand, and the judge weighs the facts, and if there is merit to it he may set the bond a little lower."

Senator Clarke: "Thank you, Senator."

Further debate ensued.

#### POINT OF INQUIRY

Senator Day: "Would Senator Bottiger yield? Senator Bottiger, doesn't this just apply to an action against the public entity? What about a private entity that is involved in developing?"

Senator Bottiger: "Senator Day's amendment says, 'in an action brought against the council, applicant or the certificate holder seeking a judgment.' The other statute that we already have on the books could—'injunction, restraining order, performance of work under a construction contract for a public contracting body amongst the factors.' Now, the council is the one that grants the certificate, and I think the existing injunction language would apply whether it is Puget Power or anybody else."

Senator Day: "Northern Tier or who?"

Senator Bottiger: "Northern Tier or anybody else."

#### POINT OF INQUIRY

Senator Woody: "Mr. President, would Senator Guess yield? Senator Guess, the thing that is in my mind is when you mention in your speech that this is just to

maintain some justice relating to those people who would like a king size—valid after the construction has commenced, I can understand that argument. The other question, though, is since it is any action brought against the applicant, the council or certificate holder—that is after the certificate has been granted—the council or applicant, are you including within that assessing damages against somebody who intervenes after the whole construction is done but there has been something wrong in the operation of the facility?"

Senator Guess: "No, Senator. It has to do prior to, or during the action of trying to get the approval to start up the plant, and it doesn't have anything to do—. If the company constructs the plant in a manner that is not in accordance with the certificate that it handles, that would not apply, in my opinion."

Senator Woody: "Thank you. That would also mean that you are not in any way suggesting to change the amendment which is on lines 26 through 30 of that same page."

Senator Guess: "No, sir. This does not change that. It is just after the chapter. You add this to it."

Senator Washington demanded a roll call and the demand was sustained by Senators Francis, Talley, Goltz, Wilson, Clarke, Buffington, Grant, Rasmussen and Bluechel.

#### MOTION

On motion of Senator Odegaard, Senator Herr was excused.

The President declared the question before the Senate to be the roll call on the amendment by Senator Guess to Substitute Senate Bill No. 2910.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; nays, 32; excused, 3.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, Pullen, Sellar, Wanamaker—14.

Voting nay: Senators Bausch, Bluechel, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Keefe, Mardesich, Marsh, McDermott, Monohon, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—32.

Excused: Senators Cunningham, Herr, Newschwander—3.

Senator Guess moved adoption of the following amendment:

On page 9, line 11, after "monitoring" strike "of" and insert "through existing state agencies"

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: Will Senator Bottiger yield? Senator Bottiger, I am not in any way trying to throw up an unfriendly amendment. All I want to make sure is, that when the monitoring is done, that it will be done by existing state agencies. If the monitoring is done by the federal agency, then we have nothing to do with it, so that is not what I am driving at. All I want to do is to keep the facility siting council from building an empire."

Senator Böttiger: "Senator Guess, you courteously recommended an amendment which our staff went over and approved which says, 'provided that any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement; provided further that the council shall retain authority for determining compliance with monitoring.' I think that does it, and I see

Senator Lewis nodding his head because we heard testimony that many times the applicant will do the monitoring and just submit his reports. It sounds to me like you are duplicating."

There being no objection, on motion of Senator Guess, the amendment was withdrawn.

Senator Guess moved adoption of the following amendment:

On page 10, line 27 after the period insert "In no event shall these costs exceed \$60,000 per biennium."

On motion of Senator Guess, the following amendment to the amendment was adopted:

After "exceed" strike "\$60,000" and before "per biennium." insert "the specific appropriation for such costs"

Debate ensued.

There being no objection, on motion of Senator Guess, the amendment, as amended, was withdrawn.

Senator Guess moved adoption of the following amendment:

On page 12, line 6 after "determination" strike all material through "unacceptable" on line 13 and insert:

"To recommend supersession shall be based upon a finding that sites which are in compliance with applicable land use plans and zoning ordinances are unacceptable."

Debate ensued.

#### POINT OF INQUIRY

Senator Woody: "Mr. President, would Senator Guess yield? In quickly looking this over, starting from subsection 1 of this amendatory portion, going through subsection 3, and including the portion you would like to strike and the insertion, I can't make a determination as to what geographic area of this investigation would have to take place. You know, you are finding the sites which are in compliance with the applicable land use plans and zoning ordinances aren't acceptable. Would that be within the same county, and if so, where can you show me that in this act, or would they have to go on a statewide search to determine, number one, what land use plans and zoning ordinances would permit this and then make findings as to why we can't use them. Of course, it is pretty simple, you can't put them in Okanogan County, you can't get a tanker up there, but I would hope that they don't have to go through the statewide search and make these findings and determinations."

Senator Guess: "Senator, I do not believe that the council would be inclined to make a finding upon a site anywhere other than where the people that made the application are trying to get that site located, and so the council is composed of responsible appointed people. The Governor finally makes the decision, and certainly it is far easier and less technically subject to harassment or to delays if you give the council the right to recommend supersession based upon a finding that the sites which are in compliance with the applicable land use are unacceptable. So, I think that the council has good background, and I think that they know it."

Further debate ensued.

The motion by Senator Guess failed and the amendment was not adopted.

Senator Guess moved the following amendments be considered and adopted simultaneously:

On page 17, line 1 after "reporter," strike "additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state,"

On page 17, line 3 strike ", and insert "that"

On page 17, line 22, beginning with "(c)", strike all of the material through "certification." on page 18, line 16.

Debate ensued.

The motion by Senator Guess failed and the amendments were not adopted.

On motion of Senator Goltz, the following amendment was adopted:

On page 2, line 20, after "environment" strike ", ecology" and insert "~~((ecology))~~" and after "wildlife, and" strike "the ecology" and insert "~~((the ecology))~~"

Senator Rasmussen moved adoption of the following amendment:

On page 2, line 35, after "provide" and before "energy" strike "abundant"

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted on a rising vote.

Senator Donohue moved adoption of the following amendment:

On page 10, line 17, after "assistant attorney general" strike the valance of the sentence and insert "~~((or a special assistant attorney general as a counsel for the environment who shall be a member of the bar of the state of Washington.))~~ as a counsel for the environment."

Debate ensued.

The motion by Senator Donohue carried and the amendment was adopted.

Senator Mardesich moved adoption of the following amendment:

On page 12, line 5, after "upon a" strike "two-thirds" and insert "majority"

Debate ensued.

Senator Matson moved adoption of the following amendment to the amendment:

In the Mardesich amendment to page 12, line 5, strike "majority" and insert "sixty percent"

Further debate ensued.

The motion by Senator Matson carried and the amendment to the amendment was adopted.

Senator Wilson demanded a roll call and the demand was sustained by Senators Washington, Bottiger, Wojahn, Grant, Guess, McDermott, Monohon, Woody and Marsh.

The President declared the question before the Senate to be the roll call on the amendment by Senator Mardesich, as amended by Senator Matson.

### ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 14; nays, 30; absent or not voting, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Day, Jones, Mardesich, Matson, Morrison, Murray, Peterson, Pullen, Sandison, Scott, Woody—14.

Voting nay: Senators Bausch, Beck, Bottiger, Clarke, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Keefe, Lewis, Marsh, McDermott, Monohon, North, Odegaard, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—30.

Absent or not voting: Senators Donohue, Henry—2.

Excused: Senators Cunningham, Herr, Newschwander—3.

Senator Mardesich moved adoption of the following amendment:

On page 15, line 25, after "action" insert "relating to a site certification agreement"

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

Senator Mardesich moved adoption of the following amendment:

On page 2, line 31, after "to" strike "enhance" and insert "preserve"

Debate ensued.

The motion by Senator Mardesich failed and the amendment was not adopted on a rising vote.

Senator Mardesich moved adoption of the following amendment:

On page 6, line 29, after "senate" strike "and" and insert " , shall have a vote on matters before the council,"

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

On motion of Senator Mardesich, the following amendment was adopted:

On page 9, line 35, after "after" strike "March 15, 1976" and insert "~~(March 15, 1976)~~ the effective date of this 1977 amendatory act"

Senator Mardesich moved adoption of the following amendment:

On page 13, line 5, after "conditions" strike "comparable to" and insert "designed to recognize the purpose of"

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President, before we leave second reading, would Senator Bottiger yield to a question? Senator Bottiger, would you direct yourself to page 7, please? We provide on line 16 for a proposed energy facility and it relates to the county site, or counties involved or a series of counties. On line 32 where there are cities involved, we talk about an energy plant rather than an energy facility, and I am wondering in the case of a city where the transmission line is passing through rather than being the location of a plant, the city would then have a representative on the council. It is an awful fine distinction, but if you look to your definitions, your definition is of energy plant, and not energy facility that is provided up on line 16, probably an awful fine distinction, but I wonder if there was some reason for it, it was an oversight, and what the possible effect is of the difference."

Senator Bottiger: "Senator Mardesich, an energy plant is defined. An energy facility is defined. I think you have picked it right on the point. If it is simply a transmission line going through a city, you wouldn't have to appoint a city council member to serve on the siting council act. If it were a plant located, like, say, an oil port at the city of Port Angeles, we felt that since they also had permits and things of that nature, that they should be on the final decision, but simply for a transmission facility, we didn't feel that we should add an additional one to the siting council as a voting member."

Senator Mardesich: "Mr. President, that is exactly why I asked the question, so that that would be very clear, and I hope it is on the record."

#### POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Bottiger yield, please? Senator Bottiger, if you will turn your attention to page 17. It has to do with an amendment which we rejected but I would like to, before we pass from second reading, ask you the impact of the statement that is contained on lines 31 and 32. It says, 'Each certificate holder, within thirty days of execution of the site certification agreement, shall deposit twenty thousand dollars, or such amount as may be specified by council rule, to cover the costs . . . of this subsection.' This means that the energy, the company that holds the certificate is, without time limit, going to have to keep on deposit twenty thousand dollars. Is this the true meaning of the—?"

Senator Bottiger: "No, Senator Guess. That is not the meaning, nor is it the practice. The practice before the siting council has, under the former law which had them paying for the cost of the expert hired to write the environmental impact statement, they would deposit their twenty-five thousand dollars, and when and if that amount was used up, the siting council would so inform them. They would have

an election to deposit additional money, or drop the application. The twenty thousand dollars, it is our intent, would operate exactly the same way, but if the additional cost, and we are talking about the court reporters and things, had consumed that twenty thousand dollars, they would be so notified. The industry accepts this system, and we had no objection to that form of deposit. This was a compromise worked out."

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2910 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 Wanamaker: "Would Senator Bottiger yield to a question? Senator Bottiger, is it the intention of this bill that the siting council would be authorized and empowered to issue conditions on the construction and operation of nuclear power plants?"

Senator Bottiger: "Senator Wanamaker, you had better qualify that a little bit more because I really don't understand what you mean."

Senator Wanamaker: "Well, would the siting council still be empowered, or would they be empowered in any way to come out with rules and regulations on the construction and the operation?"

Senator Bottiger: "Senator Wanamaker, no, that is all done by the federal government. We are talking about the effect on the local community, but as far as the safety of the building of a nuclear plant, no, that is all federal."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Bottiger yield? Senator Bottiger, this bill expands the powers of the siting council to include construction and operation conditions. The question is, to what extent should the siting council become involved in the application of the guidelines and the monitoring of effect to the environment and ecology once the certificate holder begins construction, and later puts the facility into operation?"

Senator Bottiger: "Senator Guess, to my knowledge the Satsop and the Skagit, for sure, and possibly the ones over in Benton County, the site certification agreement is a contract between the applicant and the siting council that they will do certain things. A question existed as to whether they had the authority to enforce that agreement. This bill clarifies that and says, 'Yes, they do.' With that exception, I know of no great additional power that this bill gives the siting council."

Senator Guess: "In other words, Senator, you do not expect that the facility siting council will have to expand its staff remarkably to patrol and police the operation of the plants after they get built?"

Senator Bottiger: "Senator Guess, I don't believe they asked the ways and means committee for anything, and I am almost sure they didn't get anything if they did ask."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2910, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, McDermott, Morrison, Murray, North, Peterson, Rasmussen, Scott, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—30.

Voting nay: Senators Beck, Goltz, Grant, Guess, Lewis, Matson, Monohon, Odegaard, Pullen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Washington, Wilson—16.

Excused: Senators Cunningham, Herr, Newschwander—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, the motion for reconsideration on Engrossed House Bill No. 104 made by Senator Mardesich earlier today was ordered held for May 12, 1977.

At 3:30 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, May 12, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SIXTY-THIRD DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, May 12, 1977.

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 Cunningham, Herr, Mardesich, Rasmussen, Talley and Woody. On motion of Senator Jones, Senator Cunningham was excused. On motion of Senator Sandison, Senator Rasmussen was excused. On motion of Senator Odegaard, Senators Fleming, Herr and Talley were excused.

The Color Guard, consisting of Pages Gavin Gordan and Sonja Gissberg, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GRACIOUS AND EVER-PRESENT FATHER, GOD ALMIGHTY OF ALL THINGS LARGE AND SMALL, CAUSE US TO SEE YOUR HAND AT WORK EVERYWHERE.

"WE ASK ESPECIALLY THAT YOU WOULD BE WITH SENATOR HERR AND MEMBERS OF HIS FAMILY AS THEY MOURN THE PASSING OF HIS WIFE. WE PRAY THAT SHE MAY GO FROM STRENGTH TO STRENGTH IN THE GREATER SERVICE OF ALMIGHTY GOD.

"TEACH US TO DETECT YOUR PRESENCE IN AND THROUGH THE GENUINE NEEDS OF ALL PERSONS. ASSIST THE MEMBERS OF THIS SENATE AS THEY SEEK TO SOLVE DIFFICULT PROBLEMS AFFECTING NOT ONLY OURSELVES BUT FUTURE GENERATIONS. AS YOU ARE THE CREATOR, INSPIRE THOSE WHOSE TASK IT IS TO SERVE TO SEEK CREATIVE ANSWERS TO TRULY PERPLEXING DILEMMA. ENCOURAGE THEM TO MOVE WITH ALL DELIBERATE HASTE IN BRINGING THIS SESSION TO A SUCCESSFUL CLOSE. AND FINALLY, HOLD BEFORE US ALWAYS YOUR GRAND PERFECTION. THROUGH JESUS CHRIST, YOUR SON, OUR LORD. AMEN."

**MOTION**

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the eighth order of business.

**MOTIONS**

On motion of Senator Day, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 2235.

On motion of Senator Day, Senate Bill No. 2235 was referred to the Committee on Ways and Means.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 11, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, continuing the Washington state commission on Asian-American affairs until June 30, 1983 (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

May 10, 1977.

ENGROSSED HOUSE BILL NO. 365, requiring total life-cycle cost analysis of proposed action by governmental unit or agency (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

May 11, 1977.

ENGROSSED HOUSE BILL NO. 1191, providing for the creation and management of a scenic river system (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Murray, North, Ridder.

Passed to Committee on Rules for second reading.

May 11, 1977.

SUBSTITUTE HOUSE BILL NO. 1277, providing for a Washington state commission on educational structure and management (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Washington.

Passed to Committee on Rules for second reading.

May 11, 1977.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 36, amending the Constitution to allow the state, its political subdivisions, and municipal corporations to lend their credit to the extent of certain special revenues (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

Passed to Committee on Rules for second reading.

May 10, 1977.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 54, carrying over bills between sessions of the same legislature (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, May 11, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on May 11, 1977, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 2315: Increasing the fees for real estate brokers and salesmen's licenses.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

## MESSAGES FROM THE HOUSE

May 10, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 816, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 10, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2063,

SENATE BILL NO. 2208, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 816.

## INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 110, by Senators Bottiger, Morrison, Gaspard, Benitz, Sellar, Washington, Matson and Walgren (by Executive request of Governor Ray):

Requesting that the federal government accept retroactive applications for drought relief grants.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Joint Memorial No. 110 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Joint Memorial No. 110 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 110, and the memorial passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar,

Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senators Buffington, Day, Mardesich, Woody—4.

Excused: Senators Cunningham, Fleming, Herr, Rasmussen, Talley—5.

SENATE JOINT MEMORIAL NO. 110, having received the constitutional majority, was declared passed.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 119, by Senators Donohue and McDermott:

Requiring that each federal program be reviewed by the legislature to determine the anticipated financial impact of new or changed federal requirements.

Referred to Committee on Ways and Means.

There being no objection, the Senate advanced to the eighth order of business.

### MOTIONS

On motion of Senator Peterson, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 2242.

On motion of Senator Peterson, Senate Bill No. 2242 was referred to the Committee on Ways and Means.

At 10:18 a.m., on motion of Senator Walgren, the Senate recessed until 11:45 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

### MOTIONS

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Odegaard, Senator Woody was excused.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 878.

### SECOND READING

ENGROSSED HOUSE BILL NO. 878, by Representatives Schmitten, Heck, Boldt, Kilbury and Tilly:

Establishing and defining five commissioner PUDs and three commissioner PUDs.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 878 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Sellar yield? Senator Sellar, would this affect any other county PUD other than Chelan?"

Senator Sellar: "No, it would not."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 878, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senators Hayner, Mardesich, von Reichbauer—3.

Excused: Senators Cunningham, Fleming, Herr, Rasmussen, Talley, Woody—6.

ENGROSSED HOUSE BILL NO. 878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Odegaard, Senator von Reichbauer was excused.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 839.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 839, by Committee on Revenue (originally sponsored by Representatives Sommers, Taller, Becker, Berentson, Kilbury, Wilson, Craswell, Douthwaite, Grimm and Hurley (Margaret)):

Making the leasehold excise tax inapplicable to certain property within certain historical sites.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 839 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 839, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senator Van Hollebeke—1.

Excused: Senators Cunningham, Fleming, Herr, Rasmussen, Talley, von Reichbauer, Woody—7.

SUBSTITUTE HOUSE BILL NO. 839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 27, by Committee on Commerce (originally sponsored by Representatives Paris, Warnke, Leckenby, Deccio, Lee and Salatino):

Creating the small business committee and empowering it to review matters relating to small business enterprises.

### REPORT OF STANDING COMMITTEE

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 27, creating the small business committee and empowering it to review matters relating to small business enterprises (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26, after "profit" strike "and" and insert a comma

On page 1, line 27, after "businesses" and before the period insert "and which has fifty or fewer employees"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 27, 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. 27, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardsich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators McDermott, Ridder—2.

Excused: Senators Cunningham, Fleming, Herr, Rasmussen, Talley, Woody—6.

SUBSTITUTE HOUSE BILL NO. 27, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, the motion for reconsideration by Senator Mardesich on the passage of Engrossed House Bill No. 104 by the Senate on May 11, 1977 was ordered held for consideration today.

The motion by Senator Mardesich carried and the Senate moved to reconsider the vote by which Engrossed House Bill No. 104 passed the Senate.

## THIRD READING

ENGROSSED HOUSE BILL NO. 104, by Representatives King, Berentson, Conner, Erickson, Fortson, Grier, Hansen, Knedlik, Kreidler, Moreau, North, Owen, Pearsall, Sherman, Shinpoch, Struthers, Vrooman and Walk:

Exempting volunteer firemen from the state minimum wage act.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 104 was returned to second reading.

Senator Mardesich moved the following amendments be considered and adopted simultaneously:

On page 2, line 30, after "section" insert "or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under RCW 41.24"

On page 2, line 33, after "services" insert ": PROVIDED, That such voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24"

On page 4, line 1, after "services" insert "or for purposes of granting, affecting or adding to any qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24"

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, perhaps we can clear it up for the record. Senator Mardesich, by the adoption of these amendments do you intend to add anybody to the provisions of 41.24 who are not already under that retirement system?"

Senator Mardesich: "There is no intent to add anyone to RCW 41.24 or qualify anyone under that. In fact, with respect to them, those people who are in the volunteer firemen's benefit systems, retirement systems, is designed to protect their interests and, at the same time, to prohibit the use of compensation paid to volunteers as qualifying others in any other system for the retirement system."

## POINT OF INQUIRY

Senator Morrison: "Would Senator Mardesich yield to a question, please? I am wondering in looking at the language which we are adding, which I concur totally with your intent, would this provide that we would be denying volunteers who are paid a nominal amount of compensation from qualifying for social security which is a public supported retirement system?"

Senator Mardesich: "I don't think that that would be possible because we can't prohibit anyone from being under the system, only the federals could do that."

Senator Morrison: "So that is not your intent."

Senator Mardesich: "It is not my intent, nor do I think that we could do it."

The motion by Senator Mardesich carried and the amendments were adopted.

On motion of Senator Beck, the rules were suspended, Engrossed House Bill No. 104, 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. 104, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senators Sellar, von Reichbauer—2.

Excused: Senators Cunningham, Fleming, Herr, Rasmussen, Talley, Woody—6.

ENGROSSED HOUSE BILL NO. 104, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 582.

### SECOND READING

HOUSE BILL NO. 582, by Representatives Whiteside, Deccio, Newhouse, Clayton, Hansen and Flanagan:

Creating the Yakima river conservation area.

### REPORT OF STANDING COMMITTEE

May 5, 1977.

HOUSE BILL NO. 582, creating the Yakima river conservation area (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. It is the intent of this act to establish and recognize the Yakima river corridor from Selah Gap (Yakima Ridge) to Union Gap (Rattlesnake Hills) as a uniquely valuable recreation, conservation, and scenic resource in the state of Washington.

NEW SECTION. Sec. 2. For the purposes of this act, the Yakima river conservation area is to contain no more than the area delineated in appendix D on pages D-3, D-4, D-6, D-7, D-9, and D-10 of the report entitled "The Yakima River



Regional Greenway" which resulted from the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session.

NEW SECTION. Sec. 3. There is hereby created an area to be known as the "Washington State Yakima river conservation area". This area designation may be used as a common reference by all state and local agencies, municipalities, and federal agencies.

NEW SECTION. Sec. 4. The Yakima county commissioners are authorized to coordinate the acquisition, development, and operation of the Yakima river conservation area in accordance with the purposes of this act and in cooperation with public parks, conservation and resource managing agencies.

NEW SECTION. Sec. 5. The Yakima county commissioners are authorized to acquire such real property, easements or rights in river-related lands in the Yakima river conservation area, together with such real property, easements, and rights as are necessary for such conservation and parks purposes in any manner authorized by law for the acquisition of lands for conservation, parks and parkway purposes: **PROVIDED**, That only the Yakima county commissioners shall have the power of eminent domain for the purposes of this chapter.

NEW SECTION. Sec. 6. Except for such property as is necessary or suitable for the development of recreational areas and their related facilities, it is the intent of this section that such property shall be acquired to preserve, as much as possible, the river wetlands in their natural state.

NEW SECTION. Sec. 7. The Washington state parks and recreation commission is directed to consult with the Yakima county commissioners in the acquisition, development, and operation of the Yakima river conservation area in accordance with the purposes of this act and the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session.

NEW SECTION. Sec. 8. The interagency committee for outdoor recreation is directed to assist the Yakima county commissioners in obtaining state, federal, and private funding for the acquisition, development, and operation of the Yakima river conservation area.

NEW SECTION. Sec. 9. Nothing herein shall be construed as affecting nor being in conflict with existing county or city zoning and/or permitted land uses and the right to develop, build or expand existing uses in accordance with the said zoning or permitted land uses within the Yakima river conservation area.

NEW SECTION. Sec. 10. Nothing in this act shall be construed to interfere with the powers, duties, and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: **PROVIDED, HOWEVER**, That no hunting shall be permitted in any state park.

NEW SECTION. Sec. 11. Nothing herein shall be construed as authorizing or directing the Yakima county commissioners to acquire any real property, easements, or rights in the Yakima river conservation area which are now held by any other agency without the approval of that agency.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall be added to chapter 43.51 RCW."

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Scott.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

#### POINT OF INQUIRY

Senator Talley: "Would Senator Guess yield? Senator Guess, I know you are an ex-army engineer, controlling river flows, and so forth. Don't you think we should postpone this thing until we get some water in that river?"

Senator Guess: "Senator Talley, in all seriousness, I think that the Corps of Engineers has cooperated in the creation of this plan, and I have had the documents on my desk for several weeks. I thought it was a very excellent approach to the conservation of the stream and I think that Senator Matson is now approaching the bar and he will be able to—."

(No reply.)

On motion of Senator Marsh, the rules were suspended, House Bill No. 582, 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. 582, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senators Benitz, Day—2.

Absent or not voting: Senators Mardesich, Monohon, Morrison, Woody—4.

Excused: Senators Cunningham, Fleming, Herr—3.

HOUSE BILL NO. 582, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 553.

### SECOND READING

ENGROSSED HOUSE BILL NO. 553, by Representatives May, Thompson, Knowles, Lux, Kilbury, Grier, Clemente and Fischer:

Exempting certain theatre employees from the law establishing a minimum overtime wage.

### REPORT OF STANDING COMMITTEE

April 29, 1977.

ENGROSSED HOUSE BILL NO. 553, exempting certain theatre employees from the law establishing a minimum overtime wage (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, after "a" insert "contract or"

Signed by: Senators Ridder, Chairman; Grant, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 553, 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. 553, 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 Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Mardesich, Murray, Woody—3.

Excused: Senators Cunningham, Fleming, Herr—3.

ENGROSSED HOUSE BILL NO. 553, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Odegaard, Senator Woody was excused.

## SECOND READING

HOUSE BILL NO. 335, by Representatives Bauer, Bender, Lee and Gilleland: Modifying the procedure for awarding public works contracts by cities and towns of the second, third, and fourth class.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, House Bill No. 335 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 Bluechel yield? Senator Bluechel, when was the five thousand dollar lid set in the act? Do you know?"

Senator Bluechel: "The act was last amended in 1965. Now, it was either then or before that time."

Senator Grant: "Senator Bluechel, further, would this prohibit then a second, third or fourth class city from doing any jobs in excess of five thousand dollars, such as construction of playground equipment within the city? The limit was a five thousand dollar limit? This project was six thousand dollars?"

Senator Bluechel: "Yes, this would do exactly that. This would say that when you go above the five thousand dollar limit which every other local government entity adheres to, although there are some differences in the limits, that you must—and you bid—you cannot just summarily reject all bids and do it yourself. That provision is a very unfair provision. In the first place, you would not get proper bidding. The people would suspect, the bidders would suspect that this was the reason for the bid was just to go through the motions. Most of these are not in that type of category. These types of things vary widely, whether this be purchasing or whether this be labor, but it is definitely, to answer your question, specifically yes, it would prevent exactly that."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 335, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Newschwander, North, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wojahn—32.

Voting nay: Senators Beck, Day, Grant, McDermott, Odegaard, Pullen, Ridder, Van Hollebeke, Wanamaker, Washington, Wilson—11.

Absent or not voting: Senators Mardesich, Murray—2.

Excused: Senators Cunningham, Fleming, Herr, Woody—4.

HOUSE BILL NO. 335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 879.

## SECOND READING

HOUSE BILL NO. 879, by Representatives Conner, Gallagher and Bender (by Department of Highways request):

Allowing driving on certain highway shoulders to allow other vehicles to pass.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 879 was advanced to third reading, the second 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. 879, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senators Day, Mardesich, Murray—3.

Excused: Senators Cunningham, Fleming, Herr, Woody—4.

HOUSE BILL NO. 879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 11, 1977.

REENGROSSED HOUSE BILL NO. 271, adopting procedures for the establishment of transfer and clinical training programs at the University of Washington school of medicine for Washington residents attending foreign medical schools (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and refer to committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Pullen, Wojahn.

Referred to Committee on Ways and Means.

May 11, 1977.

SUBSTITUTE HOUSE BILL NO. 820, enacting the Victims of Sexual Assault Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and refer to committee on ways and means.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, North, Pullen, Van Hollebeke, Wojahn.

Referred to Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

May 9, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2108, with the following amendment:

On page 8, line 7, after "the" insert "state transportation commission, or, if such does not exist, the", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Henry, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2108.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Mardesich, Murray—2.

Excused: Senators Cunningham, Fleming, Herr, Woody—4.

ENGROSSED SENATE BILL NO. 2108, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

May 9, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2122, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A copy of any foreign judgment authenticated in accordance with the act of congress or the statutes of this state may be filed in the office of the clerk of any superior court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, set-offs, counterclaims, cross-complaints, and proceedings for reopening, vacating, or staying as a judgment of a superior court of this state and may be enforced or satisfied in like manner.

NEW SECTION. Sec. 2. (1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until ten days after the date the judgment is filed or until ten days after mailing the notice of filing, whether mailed by the clerk or judgment debtor, whichever is later.

NEW SECTION. Sec. 3. (1) If the judgment debtor shows the superior court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the superior court of any county any ground upon which enforcement of a judgment of a superior court of any county of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 191, Laws of 1953 and RCW 6.36.020;
- (2) Section 3, chapter 191, Laws of 1953 and RCW 6.36.030;
- (3) Section 4, chapter 191, Laws of 1953 and RCW 6.36.040;
- (4) Section 5, chapter 191, Laws of 1953 and RCW 6.36.050;
- (5) Section 6, chapter 191, Laws of 1953 and RCW 6.36.060;
- (6) Section 7, chapter 191, Laws of 1953 and RCW 6.36.070;
- (7) Section 8, chapter 191, Laws of 1953 and RCW 6.36.080;
- (8) Section 9, chapter 191, Laws of 1953 and RCW 6.36.090;
- (9) Section 10, chapter 191, Laws of 1953 and RCW 6.36.100;
- (10) Section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and
- (11) Section 12, chapter 191, Laws of 1953 and RCW 6.36.120.

NEW SECTION. Sec. 5. Sections 1 through 3 of this 1977 act shall each be added to chapter 6.36 RCW."

On page 1, on line 1 of the title, after "procedure;" strike the remainder of the title and insert "adding new sections to chapter 6.36 RCW; repealing section 2, chapter 191, Laws of 1953 and RCW 6.36.020; repealing section 3, chapter 191, Laws of 1953 and RCW 6.36.030; repealing section 4, chapter 191, Laws of 1953 and RCW 6.36.040; repealing section 5, chapter 191, Laws of 1953 and RCW 6.36.050; repealing section 6, chapter 191, Laws of 1953 and RCW 6.36.060; repealing section 7, chapter 191, Laws of 1953 and RCW 6.36.070; repealing section 8, chapter 191, Laws of 1953 and RCW 6.36.080; repealing section 9, chapter 191, Laws of 1953 and RCW 6.36.090; repealing section 10, chapter 191, Laws of 1953 and RCW 6.36.100; repealing section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and repealing section 12, chapter 191, Laws of 1953 and RCW 6.36.120.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2122.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2122, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Mardesich, Murray—2.

Excused: Senators Cunningham, Fleming, Herr, Woody—4.

ENGROSSED SENATE BILL NO. 2122, 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 2:10 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, May 13, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

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**SIXTY-FOURTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Friday, May 13, 1977.

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 Cunningham, Francis, Herr and Woody. On motion of Senator Odegaard, Senators Francis, Herr and Woody were excused.

The Color Guard, consisting of Pages Mark Mead and Cindy Chambers, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GOD AND FATHER OF MANKIND, GUIDE THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON AS THEY WORK TO CONCLUDE THE BUSINESS OF THE SPECIAL SESSION. ENCOURAGE THEM TO MAINTAIN STEADFASTLY THE HIGHEST STANDARDS OF PERSONAL AND POLITICAL STANDARDS IN THE PURSUIT OF THOSE ENDS MOST CONSISTENT WITH THE TRUE NEEDS OF THE STATE. IN THE MIDST OF CONFLICTING PRESSURES STRENGTHEN EACH ONE IN THE MAINTENANCE OF JUSTICE AND EQUITY FOR ALL. AND FINALLY, KEEP EVER BEFORE US THE VISION OF YOUR PERFECTION. IN JESUS NAME WE PRAY. AMEN."

**MOTION**

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

**MESSAGE FROM THE GOVERNOR**

**COMMUTATION ORDER  
ANTHONY TAKAHASHI**

Office of the Governor, May 12, 1977.

**TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON**

**LADIES AND GENTLEMEN:**

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the Forty-fifth Regular Session of the Legislature.

On the 31st day of March, 1967, Anthony Takahashi was sentenced by the Superior Court for the State of Washington, in and for the County of King, to a term of life imprisonment for the crime of Murder in the First Degree. Mr. Takahashi had been continuously confined, since April 5, 1967, within a Washington State Adult Corrections Facility in the excess of nine years where his conduct and record have been exemplary. Because of the statutory minimum sentence provided in RCW Chapter 9.95, substantial additional incarceration will be required before he



will be eligible for parole pursuant to the authority of the Board of Prison Terms and Paroles.

Petitions and letters have been received on behalf of Anthony Takahashi urging that his life sentence now be commuted so that he will be eligible for parole on the grounds that Anthony Takahashi 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"; that Anthony Takahashi has developed, while at Monroe Reformatory, a skill as a trained water pollution control plant operator and has the opportunity for employment in this field, and the Board of Prison Terms and Paroles has recommended, as amended, to the Governor that the life sentence of Anthony Takahashi be commuted.

All information available to me with respect to Anthony Takahashi has been carefully reviewed and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Anthony Takahashi is not in the best interests of society or of himself, that he is demonstrably rehabilitated, that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On March 30, 1977, a commutation order was signed to commute the life sentence of Anthony Takahashi and authorize the Washington State Board of Prison Terms and Paroles to parole Anthony Takahashi subject to the complete control, supervision, and authority of said Board, which authority would include any and all action deemed appropriate by the Board including the authority to revoke the parole and return Anthony Takahashi to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

#### MESSAGE FROM THE HOUSE

May 12, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 657 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2108,  
SENATE BILL NO. 2122,

#### MOTION

At 10:10 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 120, by Senators Walgren, Sandison, Matson and Newschwander:  
Amending Senate Concurrent Resolution No. 113.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2873.

## SECOND READING

SENATE BILL NO. 2873, by Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request):  
Revising laws relating to legislative ethics.

## MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2873 was substituted for Senate Bill No. 2873 and the substitute bill was placed on second reading and read the second time in full.

Senator Goltz moved adoption of the following amendment by Senators Goltz, Beck, Grant, Bottiger, Marsh, Day, Fleming, Talley, Ridder, Gaspard, Bausch, Sandison, Wojahn, Odegaard, Mardesich, Rasmussen, Morrison, Wilson, Walgren, Monohon, Woody, Francis, Sellar, Jones, Buffington and Pullen:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.010 are each amended to read as follows:

Definition of terms:

(1) "Legislator" means a current member of the senate or house of representatives of the state of Washington. The term shall include an appointee to either house.

(2) "Board" or "board of ethics" means the senate board of legislative ethics or the house board of legislative ethics, created by this chapter, or the joint board composed of the senate and house boards, whichever is appropriate.

(3) "Unethical conduct" means any conduct which constitutes a violation of chapter 42.21 or 44.60 RCW, as now or hereafter amended, or of any other constitutional provision, statute, rule of the house or senate or joint rule prescribing standards of conduct (~~(or a code of ethics for legislators)~~) for legislators and legislative employees.

(4) "Legislative employee" means any person employed by either house on a temporary or permanent basis as well as any employee of a permanent or interim legislative committee.

Sec. 2. Section 2, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.020 are each amended to read as follows:

There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed either: (1) On the day on which the next succeeding regular session of the legislature shall adjourn sine die: PROVIDED, That if prior to such adjournment sine die, the governor shall have proclaimed an extraordinary session of the legislature, the appointments shall not be made until the day on which such extraordinary session shall adjourn sine die; or (2) within sixty days after the vacancy occurs, whichever is sooner. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. Any vacancy shall not impair the right of the remaining members to exercise all of the powers of their board so long as quorum requirements are met.

Five members shall constitute a quorum for the board of each house and nine members shall constitute a quorum for the joint board: PROVIDED, That for the purpose of rendering a final decision pursuant to section 8(4)(h) of this 1977 amendatory act six members shall constitute a quorum for the board of each house.

Sec. 3. Section 4, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.040 are each amended to read as follows:

Each legislative and lay member appointed by the respective caucus chairmen shall within thirty days after his appointment sign, under oath, and file an affidavit with the secretary of the senate or the chief clerk of the house of representatives, whichever is appropriate, that he will perform his duties as provided in this chapter, not disclose confidential information acquired by him as a result of such membership on the board, and a lay member shall additionally provide in his affidavit that during his term of office he will not engage in any legislative activity designed to defeat or enhance the passage of any legislative bill or measure, except as otherwise required by this chapter. Upon the failure of a legislative or lay member to sign and file an affidavit as required by this section, the chairman of the board to which he was appointed shall declare his seat vacant.

Sec. 4. Section 5, chapter 150, Laws of 1967 ex. sess. as amended by section 135, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 44.60.050 are each amended to read as follows:

The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. Each board shall hold at least one public hearing each year at which the public will be permitted to testify only on matters relating to present or proposed legislative ethics codes, rules, and laws, as well as the functions and operations of the board. For attendance at meetings during the interim or in attending to

other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: PROVIDED, That vouchers for the expenses of the joint board shall be signed and attested by the chairman of the joint board.

~~((A majority of a board shall constitute a quorum:))~~

Sec. 5. Section 6, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.070 are each amended to read as follows:

The boards jointly shall have the following powers, duties, and functions:

(1) ~~((Prepare for the adoption by the forty-first legislature a code of ethics to govern the conduct of the members and employees thereof, and may from time to time present to the legislature amendments or revisions to the code. The code of ethics shall follow the following principles: In private transactions, or activities involving an economic benefit to himself, and in the exercise of official responsibility, a legislator should avoid (a) action which destroys his independence of judgment as a legislator, (b) involves undue influence upon any state agency, court, or governmental subdivision, or (c) constitutes an abuse of his official position or a violation of his trust:))~~ Propose joint rules relating to legislative ethics and revisions or amendments thereto, which when adopted shall be referred to as the legislative code of ethics.

The code, and ~~((each))~~ revisions or amendments thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution ~~((at the commencement of the forty-first session of the legislature, and any revision or amendment thereto shall be submitted))~~ at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall become effective as standards of conduct for the members and employees of the legislature.

~~((For the purpose of complying with the provisions of this section, the joint board shall select a chairman who may be either a legislator member or a lay member, a vice chairman and a secretary; and meetings of the joint board shall be called by the chairman when deemed necessary for the performance of the duties of the joint board:))~~

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) To develop advisory opinions to systematically establish criteria on which subsequent decisions can be based.

(4) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house.

Sec. 6. Section 8, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.080 are each amended to read as follows:

The ~~((legislative council))~~ senate and the house of representatives shall provide necessary staff services to the board.

NEW SECTION. Sec. 7. There is added to chapter 44.60 RCW a new section to read as follows:

The joint, senate, and house boards of legislative ethics shall issue advisory opinions with regard to standards of ethical conduct for legislators and legislative employees in accordance with the following procedures:

(1) Requests for advisory opinions may be made by legislators, legislative employees, or members of the public. A request must be stated hypothetically unless

the individual requests a specific opinion concerning his own conduct. Requests must be written, signed, and directed to the chairman of the appropriate board as specified in subsection (2) of this section. Requests shall supply such information as the board requires to enable it to issue the opinion. The identity of the person making the request shall be known only to the chairman of such appropriate board, unless such confidentiality is waived in the request.

(2) Requests shall be directed to the chairman of the joint board: **PROVIDED**, That all requests concerning the conduct of a particular member or employee of the legislature shall be sent to the chairman of the senate or house board as appropriate.

(3) Within thirty days of the receipt of a request, unless delay is unavoidable, a board shall either: (a) Issue a written advisory opinion, which shall not contain information which reveals the identity of any individual; or (b) notify the person requesting such opinion that the request is beyond its jurisdiction, or that there are insufficient facts upon which an opinion can be based, or that the request is frivolous, or that the request is made for the purpose of harassment.

If delay is unavoidable, the person requesting the opinion shall be notified as to the status of the request within said thirty day period and at thirty day intervals until such time as action is taken.

(4) Upon receipt, requests shall be assigned a reference number. Each board shall maintain and keep current for public inspection a status sheet which shall contain with respect to each request: Its reference number, the date received by the board, and its present status.

(5) The secretary of the senate shall make available to the public copies of the status sheets and advisory opinions issued by the senate and joint boards and the chief clerk of the house of representatives shall make available to the public copies of the status sheets and advisory opinions issued by the house of representatives and joint boards.

**NEW SECTION.** Sec. 8. There is added to chapter 44.60 RCW a new section to read as follows:

Each board shall have the following powers, duties, and functions:

(1) Issue advisory opinions pursuant to section 7 of this 1977 amendatory act.

(2) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.

(3) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this chapter or the joint rules of the legislature.

(4) Investigate possible unethical conduct by legislators or legislative employees of its own house. Any such investigation shall be conducted in accordance with the following procedures:

(a) A complaint may be filed by a legislator, legislative employee, member of the public, a board, or member of a board. Complaints must be written, signed under oath, and directed to the chairman of the appropriate board. The board shall determine if the complaint is within its jurisdiction and whether there are sufficient facts alleged which if true may support a finding of unethical conduct.

(b) If the board finds that the complaint is not within its jurisdiction, or is frivolous, or is made for the purpose of harassment, or that there are insufficient facts alleged which if true may support a finding of unethical conduct, it shall dismiss the complaint, so notify the complainant, the person charged, and the public with a copy of the complaint and the board's reasons for dismissal.

(c) If the board finds that a complaint is within its jurisdiction and there are sufficient facts alleged which if true may support a finding of unethical conduct, such board shall hold an investigative hearing and send a notice to the complainant and the person charged which shall include a copy of the complaint. The person charged shall receive at least thirty days' written notice of such hearing. The notice

shall provide that the person charged shall be entitled to request the board to set an earlier hearing date, present evidence, cross-examine witnesses, be represented by counsel, and file an affidavit of prejudice within ten days of receipt of the notice as provided in subsection (4)(f) of this section.

(d) Investigative hearings shall be closed to the public unless, at least seventy-two hours prior to the hearing, the chairman receives from the person charged a written request that the hearing be open to the public.

(e) A board may designate a subcommittee composed of at least two members of the board to conduct investigative hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses, and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the board, to produce documentary evidence, and/or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements, or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(f) Members of a board shall be disqualified in the following instances: (i) Members shall disqualify themselves in any case involving a person whom they cannot judge impartially; and (ii) the person charged may file an affidavit of prejudice against a member or members whom the person believes is unable to make an impartial judgment. Only one affidavit of prejudice may be filed in a single investigation. The member or members against whom the affidavit is filed shall be disqualified. Whenever a member of the board is disqualified, the appropriate caucus chairman shall appoint pro tem, a replacement legislator or lay member as appropriate. Such appointment shall be subject to the consent of the caucus wherein the appointment is made.

(g) At the conclusion of the investigative hearings, a statement of findings of fact shall be prepared based upon evidence presented at the hearings. A copy of this statement shall be sent to the person charged who shall have at least ten days to offer a written rebuttal to the board. The board, on the basis of the findings of fact, any written rebuttal, and applicable standards of ethical conduct shall make a preliminary report which shall be subject to review and the rendering of a decision at the final hearing. Copies of the findings of fact, preliminary report, and notice of the date for a final hearing shall be sent by registered mail to the person charged. Such person may rebut the report not later than one week prior to the final hearing date, but shall in any event have a period of not less than two weeks in which to respond.

(h) The final hearing shall be open to the public. There shall be available at the hearing copies of the board's findings of fact, preliminary report, and any written rebuttal received by the board from the person charged. The board shall, on the basis of these documents and any final statement made by the person charged, render a final decision as to whether the facts justify a finding of unethical conduct. A final decision must be agreed upon by at least six members of the board. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation has occurred.

(i) If the board in its final decision determines that the facts support a finding of unethical conduct, such decision shall be transmitted to the chief clerk of the house or the secretary of the senate as appropriate. Such officer shall deliver the

report to his house at such time as that house is in session, for such action as that house deems appropriate.

(j) Upon receipt, complaints shall be assigned a reference number. Each board shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint: Its reference number, the date received by the board, and its present status, including the date of any hearings scheduled. The name of the complainant and the person charged shall be entered on the status sheet following the notification provided for in subsection (4)(c) of this section.

The secretary of the senate and the chief clerk of the house of representatives shall make available to the public copies of the status sheets, findings of fact, written rebuttals, preliminary reports, and final decisions issued by their respective boards.

NEW SECTION. Sec. 9. There is added to chapter 44.60 RCW a new section to read as follows:

For the purposes of complying with the provisions of this chapter, each board shall select a chairman, who may be either a legislator or lay member, a vice chairman, and a secretary; and meetings of the board shall be called by the chairman when deemed necessary for the performance of the duties of the board.

NEW SECTION. Sec. 10. There is added to chapter 44.60 RCW a new section to read as follows:

Each board shall issue an annual report which shall contain advisory opinions and summaries of final board decisions. Copies of the reports shall be distributed to members of the legislature and through the depository library system.

NEW SECTION. Sec. 11. Section 7, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.060 are each repealed.

NEW SECTION. Sec. 12. If any provision of this 1977 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."

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Clarke to the amendment by Senator Goltz and others:

On page 13, after line 2, insert the following new section:

"NEW SECTION. Sec. 11. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to be codified as RCW 42.17.242 to read as follows:

Every elected official and every chief executive state officer who is subject to the provisions of RCW 43.17.020 or 42.17.240, who held an office or directorship in a corporation, or held a general partnership interest or a joint venture interest or an ownership interest of ten percent or more in any corporation, shall be exempt from complying with the provisions of RCW 42.17.240(1)(g)(ii), if such official or chief executive state officer requests from the commission such exemption and proves that the furnishing of such information might substantially and materially adversely affect the competitive position of such corporation, partnership, joint venture, sole proprietorship, association, or other business or commercial entity in which such elected official or chief executive state officer held an office or directorship or general partnership or corporate ownership interest of ten percent or more.

After the commission grants such exemption, the elected official or chief executive state officer shall be required to disclose to the commission during his term of office the name of each corporation, partnership, joint venture, sole proprietorship, or other business or commercial entity from which the business entity of the reporting official has received two thousand five hundred dollars or more through any contract between it and the official's state agency or the chief executive state officer. The official to whom such exemption has been granted shall also be disqualified from participating in any negotiations for or the making of any contract between such entity and his office or agency."

Renumber the sections following consecutively, and correct internal references accordingly.

#### POINT OF ORDER

Senator Goltz: "Mr. President, I would like to raise the question of scope and object on the Rasmussen amendment.

"Mr. President and members of the Senate, Substitute Senate Bill number 2873 as amended is a very narrowly drawn bill which relates specifically to legislative ethics. The Rasmussen amendment would amend a section of the law which was passed by Referendum 36 in the last election, and while I agree that it has substantial merit, I think that what Senator Rasmussen said makes a lot of sense; I only suggest that it should go on another bill or in a bill on its own, rather than to be attached to a bill which is as narrowly drawn as this one is."

Debate ensued.

#### MOTION

At 12:25 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

On motion of Senator Marsh, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 110, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 104 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 445 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 27 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 12, 1977.

Mr. President: The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 294,



HOUSE BILL NO. 580,

HOUSE BILL NO. 657, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 495, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 335,

HOUSE BILL NO. 424,

SUBSTITUTE HOUSE BILL NO. 839,

HOUSE BILL NO. 878,

HOUSE BILL NO. 879, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate resumed consideration of Substitute Senate Bill No. 2873.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 2873, by Committee on Constitution and Elections (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request)):

Revising laws relating to legislative ethics.

The Senate resumed consideration of Substitute Senate Bill No. 2873. Earlier today an amendment by Senator Goltz and others had been moved for adoption. Senator Rasmussen moved adoption of an amendment by Senators Rasmussen and Clarke to the amendment by Senators Goltz and others. Senator Goltz raised a Point of Order on the amendment by Senators Rasmussen and Clarke and the bill was held pending a Ruling by the President.

There being no objection, on motion of Senator Rasmussen, the amendment to the amendment was withdrawn.

The motion by Senator Goltz carried and the amendment by Senator Goltz and others was adopted.

On motion of Senator Goltz, the following amendment to the title was adopted:

In line 10 of the title, after "44.60.080;" strike "adding a new section to chapter 42.17 RCW;"

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute Senate Bill No. 2873 was advanced to third reading, the second 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. 2873, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Cunningham, Morrison, Sellar—3.

Excused: Senators Francis, Herr, Woody—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2873, having received the 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. 294,  
HOUSE BILL NO. 335,  
HOUSE BILL NO. 424,  
HOUSE BILL NO. 580,  
HOUSE BILL NO. 657,  
SUBSTITUTE HOUSE BILL NO. 839,  
HOUSE BILL NO. 878,  
HOUSE BILL NO. 879.

#### MOTIONS

On motion of Senator Jones, Senators Cunningham and Gould were excused.  
On motion of Senator Marsh, the Senate returned to the first order of business.

#### REPORT OF STANDING COMMITTEE

May 12, 1977.

SENATE BILL NO. 3110, adopting the 1977-79 capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3110 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Matson, Morrison, Rasmussen, Ridder, Scott, Woody.

#### MOTIONS

On motion of Senator Marsh, the rules were suspended, and Senate Bill No. 3110 was advanced to second reading.

On motion of Senator Marsh, Substitute Senate Bill No. 3110 was substituted for Senate Bill No. 3110 and the substitute bill was read the second time in full.

On motion of Senator Marsh, 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. 3110.

#### COMMITTEE OF THE WHOLE

Substitute Senate Bill No. 3110 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Henry presiding, with the recommendation that it do pass as amended.

President Cherberg in the Chair.

On motion of Senator Marsh, the report of the committee was adopted.

On motion of Senator Donohue, the following amendments to Substitute Senate Bill No. 3110, adopted in the Committee of the Whole, were adopted by the Senate:

On page 3, line 19, strike "48,547,000" and insert "42,906,000"

On page 6, line 35, strike "6,317,000" and insert "675,000"

On page 6, line 35, strike "7,396,000" and insert "1,755,000"

On page 18 after line 30 insert a new subsection to read as follows:

"(16) To provide design and land acquisition funds for 100-bed residential unit and renovation of existing facilities, Francis Haddon Morgan Children's Center.

REAPPROPRIATION      APPROPRIATION

DSHS Constr Acct		0	750,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	2,918,000	3,668,000	9/80"

On page 22, after line 37, insert a new subsection 4 as follows:

"(4) For acquisition of land for a hazardous waste disposal site on the Hanford Reservation. PROVIDED, That such acquisition shall be accomplished by December 1, 1977.

REAPPROPRIATION      APPROPRIATION

General Fund-State and Local Improvements Revolving Account-Waste Disposal Facilities:  
Appropriated pursuant to the provisions of Chapter 127, Laws of 1972 ex. sess. (Referendum 26)

		-0-	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	200,000	12/7/77"

On page 52, after line 10, insert:

"No funds shall be expended from this appropriation until final approval for such projects has been received from the legislature."

On page 65, after "facility" on line 28, insert the following:

"and to continue the joint comprehensive planning with the city of Bellingham"

MOTION

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute Senate Bill No. 3110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Donohue yield? Senator Donohue, I notice on sub 13 on page 6 that the rehabilitation of the Capitol Lake by dredging the lake bottom is quoted at one million, nine hundred and seventeen thousand, and yet the initial dredging plans call for two million, two hundred and

ninety-one thousand, and then for dredging for the next twenty years, a total of seven hundred and sixty three thousand. The estimated total cost for 1983 is three million, one hundred and sixty-five thousand, which exceeds that in the engineering report. Has the committee had an opportunity to look over the CH2M engineering report on this project?"

Senator Donohue: "Senator, in answer to your question, the staff did look over the project information that was given to us and the project figure, and I don't have that before me right now, is increased slightly as you can see, because of inflation.

"The reason that this was included in the budget primarily is because it was a project that fit the category of reappropriations of existing projects, a continuation. Consequently, it was added into the budget."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3110, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—38.

Voting nay: Senators Gaspard, Grant, Guess, Murray, Scott, von Reichbauer, Wojahn—7.

Excused: Senators Cunningham, Francis, Herr, Woody—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, Engrossed Substitute Senate Bill No. 3110 was ordered immediately transmitted to the House.

#### MOTION

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

#### MOTION

Senator Goltz moved adoption of the following resolution:

#### SENATE RESOLUTION 1977-37

By Senators Goltz, Jones and Sellar:

WHEREAS, The number of subjects for which state commissions might be formed is rapidly being depleted; and

WHEREAS, Broccoli is a minority vegetable which is deserving of equal representation, protection against discrimination, and full consideration of comparable worth; and

WHEREAS, The Legislature has not heretofore been blessed with the presence of a broccoli queen and her court; and

WHEREAS, School lunch programs, state B & O tax policy, the variable broccoli tax, and restaurant substitutes have largely ignored the broccoli farmer and his need to prosper in spite of drought, sweat and tears; and

WHEREAS, There are still a few qualified citizens, such as the editor of the Bellingham Herald, who are not yet appointed to any commission but who would be willing and eager to serve on a broccoli commission—doing the public good, reveling in the limelight of public service, earning credits for a generous state pension system, and giving broccoli the place that it deserves on our tables and in our society;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recommend to the Governor that she consider an executive request for the creation of a Broccoli Commission for the 1978 Legislative Session; and

BE IT FURTHER RESOLVED, That all pressures for an interim study in its place be resisted, inasmuch as interims have been studied for years without any scientifically validated knowledge about interims—except that, like Napoleon's Army, interims have gotten shorter as the legislative wars have taken their toll of our interimhood; and

BE IT FINALLY RESOLVED, That we go to lunch where broccoli is clearly an energy source, thereby keeping this resolution alive for further consideration pursuant to the joint cutoff resolution of this legislature.

Senator Grant moved adoption of the following amendment:

Amend the second line of the fifth paragraph of the resolution as follows:

After "Bellingham Herald," insert "former Senator Robert R. Greive and former Representative Paul Barden,"

#### MOTION

Senator Jones moved that Senate Resolution 1977-37 be referred to the Committee on Agriculture.

Debate ensued.

The motion failed.

The motion by Senator Grant carried and the amendment was adopted.

The motion by Senator Goltz carried and the resolution, as amended, was adopted.

#### MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1977-38.

On motion of Senator Rasmussen, all members were permitted as additional sponsors to Senate Resolution 1977-38.

On motion of Senator Rasmussen, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1977-38

By Senator Rasmussen; President of the Senate John A. Cherberg; Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody; Sid Snyder, Secretary of the Senate; Charlie Johnson, Sergeant at Arms; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, It is with heavy hearts that the members of the Senate learned of the passing of Patricia Herr, wife of our colleague, Senator Gordon Herr; and

WHEREAS, Words cannot express our sense of loss and are lacking in our desire to bolster the family in this time of grief; and

WHEREAS, Patricia Herr represented the finest in devotion to her husband, and her family, and was the proud mother of five children, Claudia, Daniel, Cecilia and Priscilla at home and Nedrea of Bellevue; and

WHEREAS, The Senate desires to let the members of the family know of its collective expression of sorrow, and condolence in their loss; and

WHEREAS, A funeral service will be held for Mrs. Herr, at St. Bernadette's Church, S.W. 128th St. and Ambaum Boulevard, in Burien at 10 a.m., Monday, May 16, 1977; and

WHEREAS, Our deepest sympathies are also extended to Mrs. Herr's parents, Mr. and Mrs. Howard Dolphin of Seattle;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that our most sincere condolences are extended to Senator Gordon Herr, the members of his family, and all those acquainted with Patricia Herr, and the Secretary of the Senate is hereby instructed to prepare a suitable copy of this resolution for presentation to the Herr family.

#### MOTION

On motion of Senator Marsh, Senate Resolution 1977-36, creating a Senate standing committee to be known as Senate committee on game and game fish, was referred to the Committee on Rules.

#### MOTION

On motion of Senator Marsh, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 3, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2697, with the following amendments:

On page 3, line 24, after "authorized" strike "except for expenditures attributable to an unexpected increase in student enrollment and for the acquisition of motor vehicles for student transportation"

On page 4, beginning on line 1, strike everything down through line 22 on page 5 and insert the following:

After the effective date of this 1977 amendatory act, no property taxes collected by a school district pursuant to voter authorization under RCW 84.52.052 shall be used to increase the average compensation levels for certificated and classified employees in the district: PROVIDED, That any school district which otherwise would be unable to maintain its 1976-77 cost per full time equivalent pupil in the 1977-78 school year, may collect taxes pursuant to RCW 84.52.052 and may expend such property taxes for any purpose necessary to maintain such 1976-77 FTE cost. PROVIDED FURTHER, That any school district with a district average salary for certificated staff or classified staff below the respective statewide average salary for certificated staff or classified staff during the preceding school year, may collect taxes pursuant to RCW 84.52.052 and may expend such property taxes for the purpose of increasing such average salary levels for certificated staff or classified staff up to but not to exceed the statewide average for the preceding year.

If any school district with an average salary for certificated staff and classified staff greater than the respective statewide average salary for certificated staff and classified staff during the preceding school year expends such property taxes to increase the average compensation levels for certificated or classified employees in the district, the amount of funds to which such district would otherwise be entitled from state general funds appropriated for compensation increases shall be withheld

by the superintendent of public instruction in an amount equal to such expenditure. The legislature declares that by fiscal year 1979, no taxes approved by the electors of a school district pursuant to RCW 84.52.052 shall be used to fund basic programs of education as defined in Chapter \_\_\_\_\_, Laws of 1977 (SHB 960).

On page 5, line 23, strike all of new Section 5 and renumber the remaining sections.

On page 5, line 29, strike all the material down to and including "receive." on line 35, and insert the following:

"The state of Washington currently makes ample provision for the education of all children residing within the state, in accordance with the state Constitution and the legislative definitions thereof. The passage of this excess levy will provide additional funding for certain special programs, which the elected school board of this district believes would enhance the delivery of quality education. The failure of this levy would not affect the basic educational program of this district.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator McDermott, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2697, and adheres to its position.

#### MOTION

At 2:15 p.m., on motion of Senator Marsh, the Senate adjourned until 12:00 noon, Monday, May 16, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTY-SEVENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Monday, May 16, 1977.

The Senate was called to order at 12:00 noon by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Clarke, Cunningham, Fleming and Herr. On motion of Senator Jones, Senators Clarke and Cunningham were excused. On motion of Senator Odegaard, Senators Fleming and Herr were excused.

The Color Guard, consisting of Pages Teresa Sacton and Debbie Summers, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WHO HAST GIVEN US COMPANIONS TO SHARE IN THE JOYS AND BURDENS OF LIFE, WE ARE MINDFUL THAT EXCEPT FOR OCCASIONAL VISITS MANY OF THE LEGISLATORS HAVE BEEN SEPARATED FROM THEIR FAMILIES THESE EIGHTEEN WEEKS; HUSBANDS AND WIVES FROM THEIR SPOUSES AND PARENTS FROM THEIR CHILDREN. BLESS IN A SPECIAL WAY THOSE WHO BEAR THE BURDEN OF THIS SEPARATION. STRENGTHEN THE LOVE AND UNDERSTANDING OF SEPARATED SPOUSES. ALLAY THE ANXIETY OF LITTLE CHILDREN. GIVE TO THE YOUTHS A MATURING SENSE OF RESPONSIBILITY. PROTECT EACH HOME REPRESENTED HERE FROM EXPERIENCES THAT MIGHT THREATEN THE FAMILY TIE. 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

May 12, 1977.

SENATE BILL NO. 3026, providing temporary tax deduction for light and power companies during drought emergency (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Hayner, Henry, Keefe, Lewis.

Passed to Committee on Rules for second reading.

May 13, 1977.

SUBSTITUTE HOUSE BILL NO. 681, designating core services of educational service districts for budgeting purposes, (reported by Committee on Rules which recommends that the bill be referred to the Committee on Education):

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Beck, Clarke, Fleming, Guess, Keefe, Mardesich, Marsh, Matson, Newschwander, Sandison, Sellar, Talley, Walgren.

Referred to Committee on Education.



May 13, 1977.

SUBSTITUTE HOUSE BILL NO. 773, modifying the forest excise tax laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Murray, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

May 13, 1977.

SUBSTITUTE HOUSE BILL NO. 1146, revising regulation of the trucking industry (reported by Committee on Rules which recommends that the bill be referred to the Committee on Commerce):

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Beck, Clarke, Fleming, Guess, Keefe, Mardesich, Marsh, Matson, Newschwander, Sandison, Sellar, Talley, Walgren.

Referred to Committee on Commerce.

### MESSAGE FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1009, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 13, 1977.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 2125,

SENATE BILL NO. 2180,

SENATE BILL NO. 2182,

ENGROSSED SENATE BILL NO. 2222,

ENGROSSED SENATE BILL NO. 2254,

ENGROSSED SENATE BILL NO. 2263,

SENATE BILL NO. 2295,

ENGROSSED SENATE BILL NO. 2300, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1009, by Committee on Revenue (originally sponsored by Representative Sommers):

Pertaining to revenue and taxation.

Referred to Committee on Ways and Means.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2125,

SENATE BILL NO. 2180,

SENATE BILL NO. 2182,

SENATE BILL NO. 2222,

SENATE BILL NO. 2254,

SENATE BILL NO. 2263,

SENATE BILL NO. 2295,

SENATE BILL NO. 2300.

SENATE JOINT MEMORIAL NO. 110.

## MESSAGE FROM THE HOUSE

May 12, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010 are each amended to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of ~~((at least one hundred))~~ registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle ~~((, or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a state-wide basis.

Sec. 2. Section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020 are each amended to read as follows:

~~((Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office))~~ All nominations of candidates for partisan public office by other than a major political party shall be made in a convention held on the ~~((same day that state primary elections are held))~~ last Saturday immediately preceding the first day for filing declarations of candidacy under RCW 29.18.030.

Sec. 3. Section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030 are each amended to read as follows:

To be valid, a ~~((minor party))~~ convention must:

(1) Be attended by at least ~~((one hundred registered voters; or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~ a number of registered voters who have lived in the election jurisdiction for which nominations are to be made for at least thirty days immediately preceding the date of the convention, which number is equal to one for each ten thousand voters or portion thereof who voted in the last preceding presidential election held in that election jurisdiction or twenty-five such registered voters, whichever number is greater;

(2) Have been called by a notice of the secretary of state published in a newspaper of general circulation published in the county in which the convention is to be held at least ten days before the date of the ~~((primary election))~~ convention stating the date, hour, and place of meeting ~~((and a general statement of the principles of the organization))~~. The notice shall also include the mailing address of the person or organization sponsoring the convention, if any. The information required to be included in this notice shall be forwarded to the secretary of state not later than the thirtieth day immediately preceding the date of the convention.

Sec. 4. Section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040 are each amended to read as follows:

A certificate evidencing nominations made at a ~~((minority party))~~ convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his residence, his business, and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;

(3) Designate in not more than five words the purpose for which the convention was held or the new or minor political party, organization, or principle which the convention represents;

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be signed by at least ~~((one hundred))~~ a number of the registered voters ((present at)) who live in the election jurisdiction for which the nominations are made and who attended the convention ((and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day)), which number is equal to the number of registered voters who must have attended a convention for it to be valid under RCW 29.24.030 as now or hereafter amended;

(6) Show the voting addresses of all signers;

(7) Contain proof of publication of the notice of calling the convention.

Sec. 5. Section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050 are each amended to read as follows:

The signature of a ((minor party)) convention nominating certificate of a person who voted in ((the primary)) any other convention held on the day of the convention is invalid. Persons who sign convention petitions shall not be entitled to vote in the primary of any major political party held in September of the same year as the convention. Such persons shall, however, be entitled to vote an absentee ballot for any nonpartisan primaries and ballot proposition elections which may be held concurrently with such partisan primaries. The signature of a registered voter on a convention petition shall be considered by the county auditor to be an application for an absentee ballot under chapter 29.36 RCW.

Sec. 6. Section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060 are each amended to read as follows:

Upon the receipt of the certificate of nomination of a ((minor party nominating)) convention, the secretary of state shall check from the records the required signatures thereto to ascertain if the signers are registered voters ((and whether said signers voted at the primary election held on the same day as said convention)) as of the day before the convention. If the secretary of state finds that the certificate ((is defective or)) does not comply with law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention. Within two weeks after the last day of the filing period, as specified by RCW 29.18.030, the secretary of state shall notify the presiding officer and secretary of each convention of any signatures judged invalid, together with the reason for any such judgment. Within one week after such notification, upon request of the presiding officer or secretary of any such convention, the county auditor shall recheck the voter registration records and shall notify the secretary of state of any signatures validated upon rechecking.

Within three weeks after the last day for filing declarations of candidacy under RCW 29.18.030, the secretary of state shall provide each county auditor with a list containing the names and addresses of all registered voters who signed a convention nominating certificate and who live in the same county as the auditor, but not containing any other details which could be used to ascertain the identity of the particular convention for which any such registered voter has signed a nominating certificate. On the seventh day after filing a nominating certificate or notifying the presiding officer or secretary of a convention of any signatures judged invalid on a nominating certificate, the secretary of state shall destroy the portion of the certificate which contains the signatures, names and addresses of convention participants unless the certificate is in dispute, in which case that portion shall be retained until the dispute is resolved. Upon resolution of any such dispute, the secretary of state shall destroy that portion of the nominating certificate. In no case shall the fact that

a voter participated in a particular convention be disclosed to any person other than the election official who checks the validity of signatures on nominating certificates.

Sec. 7. 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 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. The name of a candidate nominated at a ((~~minor party~~)) convention shall not 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. 8. Section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080 are each amended to read as follows:

The certificate of nominations made by a ((~~minor party~~)) convention, and the declarations of candidacy of the individual candidates nominated may be filed with the secretary of state at any time after said convention is held, but such filing must be complete not later than the ((~~first Tuesday after the date of the September primaries~~)) last day for filing declarations of candidacy under RCW 29.18.030."

In line 1 of the title, after "to" strike the remainder of the title through and including "emergency." on line 25, and insert "nominations other than by primary; amending section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; amending section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; amending section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; amending section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; amending section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; amending section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; amending section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; and amending section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

Senator Beck moved the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 2032 and asks the House to recede therefrom.

### MOTIONS

On motion of Senator Walgren, the motion by Senator Beck was ordered held for consideration following the noon recess.

At 12:20 p.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:00 p.m.

### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 553, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 582, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

### MOTION

At 1:05 p.m., on motion of Senator Walgren, the Senate recessed until 3:15 p.m.

### SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:15 p.m.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Francis, the Senate commenced consideration of Engrossed Substitute House Bill No. 353.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, by Judiciary Committee (originally sponsored by Representatives Tilly, Wilson and Leckenby):

Revising the provisions of the law of compensating victims of crimes.

### REPORT OF STANDING COMMITTEE

April 26, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, revising the provisions of the law of compensating victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68-.010 are each amended to read as follows:

It is the intent of the legislature of the state of Washington to provide a method of compensating and assisting ~~((those residents of the state who are))~~ innocent victims of criminal acts ~~((and))~~ who suffer bodily injury or death as a consequence thereof. To that end, it is the intention of the legislature to make certain of the benefits and services which are now or hereafter available to injured workmen under Title 51 RCW also available to innocent victims of crime as defined and provided for in this chapter.

Sec. 2. Section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a (~~resident of the state~~) person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

~~((6) "Resident", for the purpose of eligibility for benefits under this chapter, means a person who has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days.))~~

Sec. 3. Section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050 are each amended to read as follows:

No right of action at law (~~against a person who has committed a criminal act~~;) for damages incurred as a consequence of ~~((such))~~ a criminal act~~(;)~~ shall be lost as a consequence of ~~((receiving))~~ being entitled to benefits under the provisions of this chapter. In the event any person ~~((receiving))~~ entitled to benefits under this chapter additionally seeks a remedy for damages ~~((from the person or persons who have committed the criminal act resulting in damages))~~ incurred as a consequence of a criminal act, then and in that event the department shall be subrogated to the rights of such person to and have a lien upon any recovery so made to the extent of the ~~((payments made))~~ benefits paid or payable by the department to or on behalf of such person under this chapter.

Sec. 4. Section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one ~~((hundred eighty days))~~ year after the date of the criminal act ~~((or one hundred~~

~~twenty days after the date of death of the victim;~~) or the date the rights of dependents or beneficiaries accrued, ~~((if such is the case;))~~ or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 5. Section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, ~~((51.32.070))~~ 51.32.072, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation or incitement by the victim;

(b) The result of an act or acts committed by a person living in the same household with the victim;

(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim;

(d) The result of the victim assisting, attempting, or committing a criminal act;

or

(e) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a

lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: **PROVIDED**, That in the event a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: **PROVIDED**, That no person shall be eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.



(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person nor spouse, child, or dependent of such person shall be entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict any perpetrator of the criminal act which gave rise to such claim.

Sec. 6. Section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075 are each amended to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly indicates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW (~~51.32.005~~) 51.08.030, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

Sec. 7. Section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110 are each amended to read as follows:

The provisions contained in chapter 51.52 RCW as now or hereafter amended relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended, and the department shall have the same right of review from a decision of the board of industrial insurance appeals as does the claimant.

Sec. 8. Section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130 are each amended to read as follows:

Benefits (~~paid~~) payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available. Payment by the department under this chapter shall be secondary to such other insurance or benefits, notwithstanding the provision

of any contract or coverage to the contrary: PROVIDED, That in the case of life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 9. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

Any law enforcement agency to which a criminal act has been reported, and which criminal act results in physical injury or death to a victim, shall make a reasonable effort to inform such victim or any surviving dependents thereof of the existence of this chapter and of the procedures for making application for benefits under this chapter: PROVIDED, That no failure to so inform shall affect the time limits specified in RCW 7.68.060.

NEW SECTION. Sec. 10. There is added to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW a new section to read as follows:

(1) Whenever any person has been convicted of or has pleaded guilty to a criminal act by a court of competent jurisdiction of this state, which criminal act has involved a victim, there shall be imposed by the court upon such person a penalty assessment of fifty dollars, in addition to any other penalty or fine imposed by law.

(2) Whenever any person, accused of a criminal act involving a victim, posts bail pursuant to the provisions of chapter 10.19 RCW, and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment of fifty dollars, in addition to any other penalty or fine imposed by law.

(3) Notwithstanding any other provision of law, such penalty assessments shall be paid by the clerk of the court to the city or county treasurer, as the case may be, who shall monthly transmit such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in the crime victims compensation account of the general fund in the state treasury, and all moneys derived from such assessments shall be used exclusively for the administration of this chapter.

Sec. 11. Section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040 are each repealed."

On page 1, on line 1 of the title after "crimes;" strike the remainder of the title and insert "amending section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.010; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020; amending section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050; amending section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070; amending section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075; amending section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110; amending section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130; adding new sections to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW; repealing section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040; and prescribing penalties."

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Clarke, Hayner, Van Hollebecke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

Debate ensued.

On motion of Senator Hayner, the Senate moved to reconsider the vote by which the committee amendment was adopted.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 1, lines 35 and 36 of the committee amendment, strike the underscored language.

### POINT OF INQUIRY

Senator Donohue: "Is the fifty dollar penalty assessment, that is, Senator Francis, supposed to take care of the administration, extra administration, isn't that so? So Senator Hayner's amendment would be very beneficial as far as the budget is concerned?"

Senator Francis: "That is correct. I wouldn't say that the penalty assessment is going to take care of anything, but it would certainly help. Senator Hayner's amendment will take away the adverse fiscal impact of the bill."

The motion by Senator Hayner carried and the amendment to the committee amendment was adopted.

On motion of Senator Francis, the committee amendment, as amended, on reconsideration, was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Substitute House Bill No. 353, 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. 353, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Bottiger, Day—3.

Excused: Senators Clarke, Cunningham, Fleming, Herr—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, as amended by the Senate, having received the constitutional majority, was declared passed. 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 Engrossed House Bill No. 691.

### SECOND READING

ENGROSSED HOUSE BILL NO. 691, by Representatives Fischer, Pardini and Kroidler (by State Treasurer and Chairman Public Deposit Protection Commission request):

Revising the liability of a public depository.

### REPORT OF STANDING COMMITTEE

May 2, 1977.

ENGROSSED HOUSE BILL NO. 691, revising the liability of a public depository (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6, after "greater" insert "less any assessments paid to the commission pursuant to this chapter since the then most recent call report date"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendment was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 691, 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. 691, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Bottiger, Sellar—3.

Excused: Senators Clarke, Cunningham, Fleming, Herr—4.

ENGROSSED HOUSE BILL NO. 691, as amended by the Senate, having received the constitutional majority, 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. 327, by Committee on Local Government (originally sponsored by Representatives Thompson, Chandler, and Bender):

Providing for the certification and regulation of operators of public water supply systems.

#### REPORT OF STANDING COMMITTEE

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 327, providing for the certification and regulation of operators of public water supply systems (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, line 7, after "who" insert "after thirty days' written notice"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, Monohon, North, Van Hollebeke, Wojahn.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendment was adopted.

On motion of Senator Talley, the rules were suspended, Substitute House Bill No. 327, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, will Senator Talley yield? Senator Talley, would this have to be a full time operator?"

Senator Talley: "No, it wouldn't. You would have to check and test the water periodically."

## POINT OF INQUIRY

Senator Woody: "Would Senator Talley yield? Is there a grandfather clause within this as to existing systems that would supply twenty-five customers or more from surface waters or a hundred or more customers from any water system?"

Senator Talley: "I believe it does have a grandfather clause. Senator North, do you remember? It does have? Yes. I thought it did, but I wasn't sure. Senator Woody, all we are trying to do is say that there is a qualified operator that knows how to check this machinery and test this water. I mean we are not trying to work any inconvenience, and I know that we are all afraid of state control over things, but in the case of water it is an absolute necessity that we have pure water to drink."

Senator Woody: "An additional question to either of you on this bill, what my concern is, is that sometimes these private water systems are established. One was established up at Clearview with—I don't know—quarter inch pipe, or three-eighths inch pipe, and they were blowing one inch or greater water pressure into it, and then all of a sudden they had no water, and you had to turn your shower on all day just to collect enough to wash your hands."

"What I am concerned about is whether this might possibly raise an imposition to existing water systems that were improperly placed in by developers or whomever, and I would like to know whether this would cause them any undue hardship?"

Senator Talley: "I think what it would do if it is an improper system and not functioning right and is not delivering uncontaminated water that it should be worked over. We are not trying to tell them what to do, we are just telling them that we want pure water in the system."

Senator Woody: "Is it true that I have heard—a comment behind me—that this only deals with contaminated water rather than inadequate supply systems?"

Senator Talley: "That was the intent of the bill, sir."

## REMARKS BY SENATOR DAY

Senator Day: "Mr. President, in answer to Senator Woody's question, this deals with certification and regulations of, regulates the operators of the system. It has nothing to do with the installation of the system or the systems that are in. It has to do with regulation of people who operate the system. If they have over twenty-five persons—or over twenty-five services on the system, then they have to be certified. It is my understanding that the health department is going to put on a certification program so that the people who are presently operating the systems can go, in a number of areas in the state, to these programs then pass a reasonable examination, and then be certified. So, it is not going to be a burdensome thing we are told."

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, Senator Day, a concern I have is, I used to live in Onalaska, a rural water district, and the water was tested periodically by the state. Samples had to be sent in at certain times, and the report back was you had to add a certain amount of chlorine or whatever. So I question why this is really needed. It seems like we have this now and it is going to set up another type of testing which we already have a lot of and probably a fee charged and in many of these rural areas you have, maybe the one person handles many things. It is the water and the sewer and a lot of different things he looks after, and it just seems maybe it is one more burden on a small town or a rural district."

Senator Day: "Mr. President, in answer to Senator Odegaard, what this will do is to train these people to be sure that they know properly how to take a sample, for example. If they don't take the sample properly, it could come back that the water is contaminated when, in fact, it is not. The source of the sample, the way it is taken, what these people will be trained to do is to operate these systems, and they will go

through a very short course which will teach them the rudiments, and they will take a relatively simple examination and should all be able to pass it. It shouldn't create any great hazard out there. All it will do is to assure that you have an operator that understands what he is doing with the water system."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Senator Odegaard, I don't think it is intended to put an additional burden, but it does say that the man that does operate this system, and he may do several jobs around the city, at least knows how to test this water. It isn't intended at all to make an additional burden, and I realize exactly what you are saying: Small towns can't afford any more."

#### MOTION

On motion of Senator Odegaard, Senator Bottiger was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 327, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Day, Donohue, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Walgren, Washington, Wojahn—33.

Voting nay: Senators Goltz, Mardesich, Matson, Odegaard, Pullen, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—11.

Excused: Senators Bottiger, Clarke, Cunningham, Fleming, Herr—5.

SUBSTITUTE HOUSE BILL NO. 327, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 238.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 238, by Judiciary Committee (originally sponsored by Representatives Gallagher, Sanders, Knowles and Fischer):

Revising law relating to public works contract.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Substitute House Bill No. 238 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 Ridder please yield? Senator, I notice in, first in the analysis of the bill, plus in trying to read the bill very quickly here, that there is a provision that the contractor if he is in violation of filing one of these reports is prohibited from bidding on any contract covered by the provisions of this chapter for a period of one year. I am wondering whether that makes—if he were to go ahead and bid, and the bid were to be accepted by whoever the public body is issuing the

call for bid, whether that would be a void contract if it were entered into? That means no good, unenforceable, for naught or voidable, and that is that the public body would be able to void the contract by going to court and saying, 'you violated the provisions of this act?'

Senator Ridder: On line 10, Senator Woody, it indicates that 'he shall not be allowed to bid.'

Senator Woody: "Well, that is a physical thing. He did. Let's assume he entered a bid. Is the bid no good at all, or is it no good only if either the department, the state through the AG, or the public body were to say, 'I am sorry, even though you are the low bidder, you violated this act and therefore we are going to consider it voidable. Was that discussed in committee?'"

Senator Ridder: "That was not discussed in committee. I would say this is discretionary according to the director, and it indicates repeated violations, as you will note. This is not something that simply having made one violation that takes effect."

Senator Woody: "My legal opinion is that it would be void and if that would be the intent of the committee that those bids, if they resulted in a contract, would be void. We might as well establish that as the legislative intent right now. That would also mean that there might be a gap. The subcontractor or contractor who went ahead with the work is doing it at his own peril, and if that is the way we want it, we ought to say it is void, period."

Senator Ridder: "OK, if that fits legislative intent—I see Senator Morrison is on his feet. I would say that it might be that he might have a more favorable bid simply because he has been in the habit of not paying the prevailing wages."

Senator Morrison: "Mr. President, to Senator Woody, this was intended as a penalty, so I would presume the legislature would be indicating that if you don't play according to the rules that your bid would be void and not acceptable, even if you did the work."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 238, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Bluechel, Guess, Hayner, Murray, Scott, Van Hollebeke—6.

Excused: Senators Bottiger, Clarke, Cunningham, Fleming, Herr—5.

SUBSTITUTE HOUSE BILL NO. 238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate returned to the fourth order of business.

### MESSAGE FROM THE HOUSE

May 12, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTIONS

Senator Rasmussen moved the Senate refuse to recede from the Senate amendments to Engrossed Substitute House Bill No. 68 and asks the House for a conference thereon.

Senator Lewis moved the Senate do recede from the Senate amendments to Engrossed Substitute House Bill No. 68.

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the positive motion by Senator Lewis that the Senate do recede from its amendments to Engrossed Substitute House Bill No. 68.

The motion by Senator Lewis failed on a rising vote.

The motion by Senator Rasmussen carried. The Senate refused to recede from the Senate amendments to Engrossed Substitute House Bill No. 68 and asks the House for a conference thereon.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 120.

## MOTION

At 3:55 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, May 17, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**SIXTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, May 17, 1977.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cunningham, Donohue, Fleming, Francis, Guess and Herr. On motion of Senator Odegaard, Senators Fleming, Francis and Herr were excused. On motion of Senator Jones, Senator Cunningham was excused.

The Color Guard, consisting of Pages Russell Brine and Stephani Gissberg, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, AS WE PICK UP OUR WORK OF THE DAY AND PREPARE TO WRITE YET ANOTHER CHAPTER IN THE HISTORY OF OUR PRIVATE AND PUBLIC LIVES, WE DO SO WITH THE CONVICTION THAT THERE IS A CLOSE RELATIONSHIP BETWEEN HUMAN EFFORT AND THE REALIZATION OF YOUR WILL IN OUR WORLD. OUR LABORS ARE NOT IN VAIN. HELP US THEN TO MAKE GOOD USE OF THE RESOURCES WHICH ARE AVAILABLE TO EACH OF US; THE LESSONS OF OTHER YEARS, THE EXISTENTIAL INSIGHT, AND THE OPINIONS OF THOSE WHO DIFFER FROM US. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORT OF STANDING COMMITTEE**

May 12, 1977.

SENATE BILL NO. 3086, relating to interim studies on energy, water and utilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3086 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Wilson.

Passed to Committee on Rules for second reading.

**MESSAGE FROM THE GOVERNOR**

Office of the Governor, May 16, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on May 16, 1977, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2063: Requiring fiscal impact statements on proposed legislation.

SENATE BILL NO. 2208: Amending miscellaneous agricultural laws relating to weeds, seeds, marketing agreements, horticultural districts, and weights and measures.

Sincerely,  
JOE ZASPEL  
Legislative Assistant.

#### MESSAGES FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 861, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 601, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 778,  
HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1265, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has passed SENATE BILL NO. 2014, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 109, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1977.

Mr. President: The House has passed:  
SENATE BILL NO. 2002,  
SENATE BILL NO. 2301,  
SENATE BILL NO. 2302,  
SENATE BILL NO. 2314,  
ENGROSSED SENATE BILL NO. 2324,  
SENATE BILL NO. 2341,  
ENGROSSED SENATE BILL NO. 2344,  
ENGROSSED SENATE BILL NO. 2365,  
SENATE BILL NO. 2371,  
SENATE BILL NO. 2384,  
ENGROSSED SENATE BILL NO. 2416,  
ENGROSSED SENATE BILL NO. 2443,  
ENGROSSED SENATE BILL NO. 2452,  
SENATE BILL NO. 2484,

SUBSTITUTE SENATE BILL NO. 2530,  
SUBSTITUTE SENATE BILL NO. 2681,  
ENGROSSED SENATE BILL NO. 2769,  
SENATE BILL NO. 2864,  
SUBSTITUTE SENATE BILL NO. 2872,

SENATE BILL NO. 2927, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### APPOINTMENT OF CONFERENCE COMMITTEE

President Pro Tempore Henry appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 68, and the Senate amendments thereto: Senators Woody, Newschwander and Day.

#### MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

#### INTRODUCTIONS AND FIRST READING

ENGROSSED HOUSE BILL NO. 778, by Representatives Conner, McCormick and Warnke:

Authorizing voluntary deductions for group insurance premiums from state patrol retirement allowances.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 861, by Committee on Revenue (originally sponsored by Representatives Nelson (Dick), Williams, Hurley (George) and Valle):

Requiring the department of revenue and county assessors to publicize the retired persons' property tax exemption and deferral laws.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1221, by Representative Warnke:

Adding time as cadets in the patrol training program to the state patrol retirement system.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1265, by Committee on Appropriations (originally sponsored by Representative Shinpoch):

Refunding certain limited obligation revenue bonds of the various institutions of higher education with state general obligation bonds.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Walgren, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2169, with the following amendments:

On page 2, after line 1, insert a new section to read as follows:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "lands;" strike "and" and on line 3, after "79.01.178" insert "; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Substitute Senate Bill No. 2169.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2169, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Donohue, Guess—3.

Excused: Senators Cunningham, Fleming, Francis, Herr—4.

SUBSTITUTE SENATE BILL NO. 2169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 161.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161, by Committee on Financial Institutions (originally sponsored by Representatives Gaines, Charette, Decio and Moreau):

Liberalizing the mutual savings bank law.

### REPORT OF STANDING COMMITTEE

April 6, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161, liberalizing the mutual savings bank law (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, after line 23, insert a new section as follows:

"Sec. 3. Section 32.20.160, chapter 13, Laws of 1955 and RCW 32.20.160 are each amended to read as follows:

A mutual savings bank may invest (~~(not to exceed fifteen per cent of its funds)~~) in (~~(railroad)~~) transportation, utility, industrial, agricultural, commercial, or other

business equipment obligations or ((equipment)) trust certificates which comply with the following requirements:

(1) They must be the whole or part of an issue originally made payable within not ((more)) less than ((fifteen)) seven years in annual or semiannual or other installments ((substantially equal in amount,)) beginning not later than one year after the date of the issue;

(2) They must be secured by or be evidence of a prior or preferred lien upon or interest in, or of reservation of title to, the equipment in respect of which they have been issued or sold, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchase of such equipment;

(3) The total amount of principal of such issue of equipment obligations or trust certificates shall not exceed ((eighty-five percent of)) the cost or purchase price of the equipment in respect of which they were issued.

All such equipment obligations or trust certificates hereafter acquired shall be prudent investments for the bank in the opinion of its board of trustees or a committee thereof whose action is ratified by the board at its regular meeting next following the investment. The total amount a mutual savings bank may invest under this section shall not exceed fifteen percent of its funds."

Renumber the remaining sections consecutively.

In the title, page 1, line 5, after ".090;" and before "amending" insert "amending section 32.20.160, chapter 13, Laws of 1955 and RCW 32.20.160;"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were not adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 161 was advanced to third reading, the second 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. 161, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Guess, Lewis—2.

Excused: Senators Cunningham, Fleming, Francis, Herr—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Walgren, the Senate returned to the fourth order of business.

On motion of Senator Walgren, the Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2032.

On May 16, 1977, Senator Beck moved the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 2032, and ask the House to recede therefrom.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Beck that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 2032, and ask the House to recede therefrom. The motion by Senator Beck carried.

### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2154**, with the following amendment:

On page 1, line 21, following "self-insurer," strike the remainder of the bill and insert the following "which may prosecute or compromise the action in its discretion in the name of the injured worker, beneficiary or legal representative.

(2) The injured worker or beneficiary shall be entitled to the remaining balance of any award or settlement recovered by the department or self-insurer after deduction of the following amounts:

(a) The expenses incurred in making the recovery including reasonable costs of legal services; and

(b) The compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department or self-insurer.

(3) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department or self-insurer for such injury until the amount of any further compensation or benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department or self-insurer to or on behalf of the worker or beneficiary as though no third party person claim had been made.

NEW SECTION. Sec. 4. There is added to chapter 51.24 RCW a new section to read as follows:

(1) In an action by the injured worker or beneficiary against the third person, any award or settlement shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: **PROVIDED**, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department or self-insurer shall be paid the balance of the award, but only to the extent necessary to reimburse the department or self-insurer for compensation or benefits paid;

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department or self-insurer for such injury until the amount of any further compensation or benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department or self-insurer to or on behalf of the worker or beneficiary as though no third party person claim had been made.

(2) The award or settlement shall be subject to a lien by the department or self-insurer for its share under this section.

NEW SECTION. Sec. 5. There is added to chapter 51.24 RCW a new section to read as follows:

(1) The department or self-insurer may require the injured worker or beneficiary to exercise the right of election under this chapter by serving a written demand by registered mail, certified mail, or personal service on the worker or beneficiary.

(2) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the department or self-insurer, the injured worker or beneficiary is deemed to have assigned the action to the department or self-insurer. The department or self-insurer shall

allow the worker or beneficiary at least ninety days from the election to institute or settle the action.

(3) If an action which has been filed is not diligently prosecuted, the department or self-insurer may petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

NEW SECTION. Sec. 6. There is added to chapter 51.24 RCW a new section to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, notice of the election must be given to the department or self-insurer. The notice shall be by registered mail, certified mail, or personal service. If an action is filed by the injured worker or beneficiary, a copy of the complaint must be sent by registered mail to the department or self-insurer.

(2) A return showing service of the notice on the department or self-insurer shall be filed with the court but shall not be part of the record except as necessary to give notice to the defendant of the lien imposed by section 4(2).

NEW SECTION. Sec. 7. There is added to chapter 51.24 RCW a new section to read as follows:

Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer.

NEW SECTION. Sec. 8. There is added to chapter 51.24 RCW a new section to read as follows:

The fact that the injured worker or beneficiary is entitled to compensation under this title shall not be pleaded or admissible in evidence in any third party action under this chapter. Any challenge of the right to bring such action shall be made by supplemental pleadings only and shall be decided by the court as a matter of law.

NEW SECTION. Sec. 9. This 1977 amendatory act shall apply only to causes of action which arise on or after its effective date.

NEW SECTION. Sec. 10. Section 51.24.010, chapter 23, Laws of 1961, section 7, chapter 274, Laws of 1961, section 37, chapter 289, Laws of 1971 ex. sess., section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010 are each repealed.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendment to Substitute Senate Bill No. 2154.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2154, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Grant—1.

Excused: Senators Cunningham, Fleming, Francis, Herr—4.

SUBSTITUTE SENATE BILL NO. 2154, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed SENATE BILL NO. 2196, with the following amendments:

On page 3, beginning on line 10, strike the remainder of the bill.

On page 1, line 1 of the title, after "courts;" insert "and" and on line 3, after "36.18.020" insert a period and strike the remainder of the title, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Woody, the Senate refused to concur in the House amendments to Senate Bill No. 2196, and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3009, with the following amendment:

On page 1, after "follows:" on line 8, strike the remainder of section 1, down to and including "voters." on line 26, and insert the following:

"A park and recreation district shall not have power to levy ~~((an annual authorized))~~ a regular property tax levy, but it shall have the power to levy ~~((a tax))~~ an excess levy upon the property included within the district, in the manner prescribed ~~((for cities for the purpose of exceeding the limitations established))~~ by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such ~~((special voted))~~ excess levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056: PROVIDED, That when authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3009.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.



Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Grant, Newschwander—2.

Excused: Senators Cunningham, Fleming, Francis, Herr—4.

ENGROSSED SENATE BILL NO. 3009, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2437, with the following amendment:

On page 7, beginning at line 30, strike all of Section 3 and insert a new section to read as follows:

"NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the superintendent of public instruction the sum of two thousand six hundred dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1979 to carry out the purpose of this act, including payment of the proportion of the expenses of the western states school bus safety commission allocated to the state of Washington.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Guess, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2437.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators Cunningham, Fleming, Francis, Herr—4.

ENGROSSED SENATE BILL NO. 2437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 10:35 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

### NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:20 p.m.

## MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2002,  
 SENATE BILL NO. 2301,  
 SENATE BILL NO. 2302,  
 SENATE BILL NO. 2314,  
 SENATE BILL NO. 2324,  
 SENATE BILL NO. 2341,  
 SENATE BILL NO. 2344,  
 SENATE BILL NO. 2365,  
 SENATE BILL NO. 2371,  
 SENATE BILL NO. 2384,  
 SENATE BILL NO. 2416,  
 SENATE BILL NO. 2443,  
 SENATE BILL NO. 2452,  
 SENATE BILL NO. 2484,  
 SUBSTITUTE SENATE BILL NO. 2530,  
 SUBSTITUTE SENATE BILL NO. 2681,  
 SENATE BILL NO. 2769,  
 SENATE BILL NO. 2864,  
 SUBSTITUTE SENATE BILL NO. 2872,  
 SENATE BILL NO. 2927,  
 SENATE JOINT MEMORIAL NO. 109.

## MOTION

At 1:50 p.m., on motion of Senator Walgren, the Senate recessed until 2:53 p.m.

## SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:53 p.m.

## MOTIONS

On motion of Senator Jones, Senators Benitz and Murray were excused.

On motion of Senator Odegaard, Senators Day, Donohue and Bausch were excused.

## MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed SENATE BILL NO. 2055, with the following amendments:

On page 3, line 9, after "of))" insert "call on the state treasurer and the state auditor who shall jointly"

On page 3, line 12, strike "the ((board)) court" and insert "((~~the board~~)) they"

On page 3, line 18, strike "the (~~(said anti-monopoly board))~~ court" and insert "~~((the said anti-monopoly board))~~ they"

On page 3, line 21, after "then" strike "(~~(; if said finding is approved by the court,))" and insert ", if said finding is approved by the court," and the same is herewith transmitted.~~

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendments to Senate Bill No. 2055.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2055, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 3; excused, 9.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Absent or not voting: Senators Pullen, Scott, Sellar—3.

Excused: Senators Bausch, Benitz, Cunningham, Day, Donohue, Fleming, Francis, Herr, Murray—9.

SENATE BILL NO. 2055, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2570, with the following amendments:

On page 2, beginning on line 11, strike all of section 5 and renumber the remaining sections consecutively.

On page 3, line 16, strike "1983" and insert "1979", 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 Senate Bill No. 2570.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2570, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Pullen, Scott—2.

Excused: Senators Bausch, Benitz, Cunningham, Donohue, Fleming, Francis, Murray—7.

ENGROSSED SENATE BILL NO. 2570, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed SENATE BILL NO. 3017, with the following amendment:

On page 1, beginning on line 6, after "follows:" strike all the matter down to and including "enlarged" on line 17, and insert:

"Property owned by one port district, which is both located contiguous to such port district and is also located in an adjacent port district, may be transferred to the owning port district upon unanimous resolution of the boards of commissioners of both port districts. The resolution of the port district within which such property is located shall be a resolution to make the transfer, while the resolution of the port district which owns the property shall be a resolution to accept the transferred property. Upon the filing of both official resolutions with the legislative authority and the auditor of the county or counties within which such port districts lie, together with maps showing in reasonable detail the boundary changes made, such transfer shall be effective and the commissioners of the port district receiving such property shall have jurisdiction over the whole of said enlarged port district", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Senate Bill No. 3017.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3017, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senator Scott—1.

Excused: Senators Bausch, Benitz, Cunningham, Donohue, Fleming, Francis, Murray—7.

SENATE BILL NO. 3017, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2129, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 34.04 RCW a new section to read as follows:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule promulgated after the effective date of this act, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the name of the agency, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The names of the proponents and opponents of the rule, if any; and

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

(2) Upon filing the rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees."

In line of the title, after "government;" insert "and"

In line 2 of the title, after "RCW" strike everything through and including "34.04.040" in line 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Buffington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2129.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2129, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Beck, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Bottiger, Jones, Scott—3.

Excused: Senators Bausch, Benitz, Cunningham, Donohue, Fleming, Francis, Murray—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2129, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 683.

## SECOND READING

HOUSE BILL NO. 683, by Representatives Douthwaite, Haley and Grier:  
Modifying the insurance law on fraternal benefit societies.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, House Bill No. 683 was advanced to third reading, the second 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. 683, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senator Scott—1.

Excused: Senators Bausch, Benitz, Cunningham, Donohue, Fleming, Francis, Murray—7.

HOUSE BILL NO. 683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Jones, Senator Bluechel was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2522.

## SECOND READING

SENATE BILL NO. 2522, by Senator Henry:  
Relating to transportation taxation.

## MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2522 was substituted for Senate Bill No. 2522, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the following amendments by Senator Henry were adopted:

On page 2, line 15, strike "ferry operations" and insert "capital construction"

On page 2, strike all of section 3 and renumber the remaining sections accordingly.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 17, after "1978" insert "and until August 1, 2008"

On motion of Senator Guess, the following amendment by Senator Henry to the title was adopted:

On page 1, line 1 of the title, after "taxation;" strike "amending section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540;"

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Guess yield? Senator Guess, would this bill pertain only to Puget Sound area ferries?"

Senator Guess: "Senator, that is the only expression that we have had in the committee at all. The only place that we need hundred car ferries is in the Puget Sound, and I don't believe that there are any other areas that the bill will apply to."

#### REMARKS BY SENATOR HENRY

Senator Henry: "When Puget Island builds up to that point, Senator Odegaard, I will get you a hundred car ferry. Does that answer your question?"

#### REMARKS BY SENATOR MARDESICH AND SENATOR HENRY

Senator Mardesich: "The answer is 'no' actually. There is no prohibition to a ferry anywhere where the system should decide to set one up."

Senator Henry: "That is right as far as the construction fund is concerned."

#### POINT OF INQUIRY

Senator North: "Will Senator Guess yield to a question? Senator Guess, what is the purpose of the emergency clause on this?"

Senator Guess: "The emergency clause is because we are short of vessels now, and the sooner that we can get into operation with the ferry system, then the better off we are going to be. We will be able to meet the load factors that we expect. Actually, the two-tenths of a cent will not go into effect however, Senator North, until July 1 of 1978."

Senator North: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2522, and the bill passed the Senate by the following vote: Yeas, 25; nays, 15; absent or not voting, 1; excused, 8.

Voting yea: Senators Beck, Bottiger, Buffington, Day, Gaspard, Goltz, Guess, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Morrison, Peterson, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—25.

Voting nay: Senators Clarke, Gould, Grant, Jones, Lewis, Matson, Newschwander, North, Odegaard, Pullen, Ridder, Scott, Sellar, Van Hollebeke, Wilson—15.

Absent or not voting: Senator Hayner—1.

Excused: Senators Bausch, Benitz, Bluechel, Cunningham, Donohue, Fleming, Francis, Murray—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2522, having received the 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

May 17, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2108,

SENATE BILL NO. 2122, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed SENATE JOINT MEMORIAL NO. 110, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 27,

HOUSE BILL NO. 104,

HOUSE BILL NO. 445,

HOUSE BILL NO. 495, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 582,

SUBSTITUTE HOUSE BILL NO. 601, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 238, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2125,

SENATE BILL NO. 2180,

SENATE BILL NO. 2182,

SENATE BILL NO. 2222,

SENATE BILL NO. 2254,

SENATE BILL NO. 2263,

SENATE BILL NO. 2295,

SENATE BILL NO. 2300, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.



May 17, 1977.

Mr. President: The Speaker has signed HOUSE BILL NO. 553, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 17, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2002,  
 SENATE BILL NO. 2301,  
 SENATE BILL NO. 2302,  
 SENATE BILL NO. 2314,  
 SENATE BILL NO. 2324,  
 SENATE BILL NO. 2341,  
 SENATE BILL NO. 2344,  
 SENATE BILL NO. 2365,  
 SENATE BILL NO. 2371,  
 SENATE BILL NO. 2384,  
 SENATE BILL NO. 2416,  
 SENATE BILL NO. 2443,  
 SENATE BILL NO. 2452,  
 SENATE BILL NO. 2484,  
 SUBSTITUTE SENATE BILL NO. 2530,  
 SUBSTITUTE SENATE BILL NO. 2681,  
 SENATE BILL NO. 2769,  
 SENATE BILL NO. 2864,  
 SUBSTITUTE SENATE BILL NO. 2872,  
 SENATE BILL NO. 2927,  
 SENATE JOINT MEMORIAL NO. 109, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 27,  
 HOUSE BILL NO. 104,  
 SUBSTITUTE HOUSE BILL NO. 238,  
 HOUSE BILL NO. 445,  
 HOUSE BILL NO. 495,  
 HOUSE BILL NO. 553,  
 HOUSE BILL NO. 582,  
 SUBSTITUTE HOUSE BILL NO. 601.

There being no objection, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Jones, the following resolution was unanimously adopted:

## SENATE RESOLUTION 1977-39

By Lieutenant Governor John A. Cherberg; Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley,

Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody; Sid Snyder, Secretary of the Senate; Charlie Johnson, Sergeant at Arms; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, Senator Nancy Buffington was elected to membership in this body after one of the most electrifying competitions in the Senate history; and

WHEREAS, Senator Buffington's warm personality, diligent work habits, perceptive comprehension of the intricacies of the legislative process, contagious charm and cooperative attitude have quickly established her as an effective and sensitive public servant for her constituency; and

WHEREAS, Senator Buffington has adroitly achieved a balanced blend of effectiveness in administering the dual responsibilities of mother and public servant, giving her charming family a commendable participation in and understanding of the responsibilities of public office; and

WHEREAS, Senator Nancy Buffington enjoys the admiration and respect of all her colleagues in the Senate of the State of Washington; and

WHEREAS, Senator Nancy Buffington has diligently sought and triumphantly found someone to share the joys and sorrows of her demanding life; and

WHEREAS, On June 11, 1977, Senator Nancy Buffington will join in holy matrimony with Howard Kellogg, M.D., and together they shall pursue their dedication to twin facets of public service;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does fervently beseech Providence that Senator Nancy Buffington and Doctor Howard Kellogg, and those near and dear to them, shall find their union blessed with an abundance of happiness, enduring achievement, and fulfilling accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall deliver to Senator Nancy Buffington and to Doctor Howard Kellogg, and to other appropriate recipients, a copy of this Resolution dated this 17th day of May, 1977.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry appointed Lieutenant Governor John A. Cherberg, Senators Clarke, Morrison and McDermott as a committee of honor to escort the Honorable Senator Nancy Buffington to a place of honor upon the rostrum.

#### REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I might say that while they are gathering in the back of the hall, this is the only Senator from West Seattle I ever really wanted to kiss."

#### REMARKS BY SENATOR BUFFINGTON

Senator Buffington: "Thank you. Thank you. I remember, oh, it was about two and a half months ago when all of the lights went out in this chamber, and I stood up at that time, and said, 'Thank you very much for your best wishes, and I would like to do the same thing today. Thank you very, very, much.'"

#### REMARKS BY DR. HOWARD KELLOGG

Dr. Kellogg: "I can certainly say to all of you, you have been delightful to both Nancy and I in the time that I have been down here, and it has been a real pleasure, and really nice to meet all of you. Thank you."

## REMARKS BY SENATOR LEWIS

Senator Lewis: "I would like to commend the couple for starting on an optimistic note, and I hope we don't disappoint them. It would certainly be a shame if we were still conducting the business we have in mind on June 11th. We now have a new target date. I hope we can make it."

## REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, in the event we don't make it, could I make a premature motion? I move that Senator Buffington be excused on June eleventh."

## REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think it is Saturday. Anyway, I warned her sometime ago that if she remained in politics she better keep the name that she has now because I have an awful habit of getting names mixed up, and the fact that the Doctor's name is 'Kellogg' would not prevent me from recognizing her as Senator Cornflakes. I have two announcements to make in case this clambake breaks up early. In the reception room, for those of you who have never seen one of the most beautiful parts of the state, the Columbia Gorge, is a twelve foot model of the gorge in all the relief, the river and the whole thing included. After you get through there, I would suggest you hie yourself over to 433 in the Public Lands Building where there will be a reception for our honored guests."

## REMARKS BY SENATOR GUESS

Senator Guess: "—the memory of the last sixteen years that I have served here, I don't know of a more memorable or happy occasion, and I want to extend to the young people that are with you on the podium the very warmest reception to the Senate of the state of Washington and to have you put it down in your memory that this is the first time that I can say of in these many years that we have had a bride and a groom present within the chambers, and so it is this type of an occasion. It is with a great deal of warmth and love that I say to all—to Nancy, particularly, because of the way that she has matured as a legislator it has been a real interesting process to watch the transition of a person from civil life into legislative life, and I think that she has made a marvelous record in the time that she has been here. I want to wish them the very best."

The committee of honor escorted Senator Buffington and her guests from the Senate Chamber and the committee was discharged.

## MOTION

At 3:40 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, May 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, May 18, 1977.

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 and Rasmussen.

The Color Guard, consisting of Pages Scott Matheny and Lisa Busk, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, BEFORE WE TURN TO OUR TASKS, WE WOULD THANK YOU FOR ALL THE GOOD THINGS OF LIFE; FOR THE SEASONS OF THE YEAR, FOR THE SUN, THE SEA, AND THE GULLS, FOR THE BLESSINGS OF HEARTH AND HOME, FOR THE FRIENDSHIPS OF LIFE, THE CHALLENGES THAT CONFRONT US IN OUR WORK, AND FOR THE OPPORTUNITIES TO CONTRIBUTE TO THE TOTALITY OF GOOD IN OUR WORLD.

"NOW BLESS OUR LEGISLATORS TODAY. GRANT THAT THE LONG HOURS OF COMMITTEE AND CAUCUS WILL BE REWARDED BY THE KIND OF LEGISLATION THAT WILL WIN THE APPROBATION OF ALL THOUGHTFUL PEOPLE. 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**

President Cherberg: "Honored and respected members of the Senate, ladies and gentlemen, this seems to be a very propitious moment for the President to request of Senator Walgren, Senator Newschwander, Senator Keefe and Senator Clarke that you please escort the newly elected Congressman of the Seventh District to the rostrum.

"Inasmuch as this is a first to the best of anyone's knowledge of a Washington State Senator being elected to Congress, it certainly seems in order that we have our very popular young Senator appear before you and explain just how success is achieved. Senator Cunningham, we are all sure that everyone joins in extending you the heartiest congratulations and the best wishes for your continued and complete success."

**REMARKS BY SENATOR CUNNINGHAM**

Senator Cunningham: "Thank you very much, Governor Cherberg and friends. I really never thought there would be the time when I would have an opportunity to stand up and just talk briefly with you. You have been extremely good friends. There are a few who have worked awfully hard to help me attain this goal, maybe for different reasons. I am going to be around for awhile, but I do really appreciate all the courtesies that you all have extended to me and I hope to serve, not only the Seventh District, but the entire state and especially all my colleagues here in the

Senate. You all mean an awful lot to me, and these are some of the fondest memories I will ever have. I appreciate it very much. Thank you very much."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Cunningham. It is very evident that the members of the Senate and all the people present are very happy for you, your lovely wife and your wonderful children."

#### REMARKS BY SENATOR DAY

Senator Day: "Thank you, Mr. President and Congressman and ladies and gentlemen of the Senate. As chairman of a major committee upon which you served, and you did it very well, Jack, you were a good committee member. I could always depend on what you told me. I want to congratulate you personally, and I also want to say to the Republicans and to the Democrats that for some period of time the people have had less and less confidence in your label. They have been looking to integrity, and they have been looking for just plain pragmatism. They have been looking for objectivity. To just prove that in a district which is supposed to be quite Democratic that the people were interested in those particular qualities, not in the label that was hung upon you, and I would say that that is a great transition since I came into the Legislature when it was very important what party you belonged to.

"I still think that is important, but I want you to know that that is what those people are thinking out there, and it should be really something we should all pay attention to. They are not interested in just protecting the establishment all the time; they are not interested in just taking care of some of those little people that we used to take care of all the time. There is interest in objective answers to darn tough questions and to reestablishing the confidence that they have a right to expect.

"I am certain, Jack, that you are going to carry that type of an attitude with you to the Congress of the United States. Congratulations."

#### REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Thank you, Mr. President. Jack, on behalf of the Republican Caucus and your many friends on the other side, we would like to congratulate you and wish you very well." "I would like to say that we were at a little bi-partisan dinner last night and we got the first reports in, everybody in the room cheered, and at our little bi-partisan breakfast this morning, the feelings were still there that you had faced the odds and you had won.

"I remember last January when you came and spoke to Senator Matson and myself you laid out your game plan. All I can say is at the time it seemed incredible, but you carried that game plan through, as far as I can see, to the 'T' and you won. I hope that in the years to come you will think back to your many friends on both sides of the aisle that have supported you in this tremendous race, and for Republicans, it is a tremendous boost that when the odds were against you, you did it. You came through and you scored. We thank you, and don't forget us because we are going to watch you. Do the best you can. Thank you."

#### REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President and Congressman Cunningham, when I look at you up there, and I am speaking on behalf of the freshman class back here, and we say, 'If you can do it, so can we', and so we could look over the rest of this body and think the same thing."

## REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, Congressman Cunningham, I recall about a year ago when I met your father who is a fine Boston Irish Democrat, telling me the story of Al Smith who was one of his heroes. I am going to tell that story, Jack, because it has a message.

"Al Smith, when he was campaigning for the presidency in the '20's had to address a large farm crowd in the midwest, one of the midwestern states. When he got off the train, the train took off—and this is a story Jack's dad told me—so he had nothing to stand on to address this large crowd except for a manure spreader that happened to be in one of the fields. So he mounted the manure spreader and he began by saying, 'This is the first time I have ever addressed a crowd like this from a Republican platform.'

"Now, Jack, I hope you won't just be addressing the people of the Seventh District from a Republican platform, and I am sure you won't."

## REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, gentlemen. Senator Cunningham has requested an opportunity to come down off cloud seven and return to his seat. Would the committee please escort our distinguished congressman to his place in the Senate."

The committee of honor escorted Senator Cunningham to his seat in the Senate Chamber and the committee was discharged.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2055,  
SUBSTITUTE SENATE BILL NO. 2129,  
SENATE BILL NO. 2570,  
SENATE BILL NO. 3017.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2014,  
SUBSTITUTE SENATE BILL NO. 2154,  
SUBSTITUTE SENATE BILL NO. 2169,  
SENATE BILL NO. 2437,  
SENATE BILL NO. 3009.

## MESSAGE FROM THE HOUSE

May 17, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2069, with the following amendments:

On page 1 strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature finds and declares that:

(1) A high percentage of the young men and women of the state are left idle by unemployment and denied the opportunities for career exploration and development that should accompany entry into the labor force.

(2) The talent and energy of Washington's young people are a significant resource for the enhancement of human and community services and the conservation and development of natural resources in our state of Washington.

(3) Existing programs do not adequately meet the needs of such young people for meaningful work and self-development.

(4) The program for youth service of the department of employment security offers an alternative to unemployment to its young people which challenges their abilities and commitment while extending the services of local governmental and private agencies and organizations in meeting social and environmental needs.

Now, therefore, the legislature finds it necessary and in the public interest to hereby establish the program for youth service as a permanent activity of the department of employment security and to hereby provide for its operation through this youth service corps act of 1977.

NEW SECTION, Sec. 2. (1) There is hereby created and established the youth service corps within the employment security department which shall include the program for youth service. The commissioner shall assign thereto such supervisory and clerical personnel as may be necessary to carry out the purposes of this chapter.

(2) The commissioner of the employment security department is hereby authorized to establish the program for youth service in which the services of full time enrollees from fourteen to twenty-four years of age, inclusive, will be mobilized to serve the needs of citizens and to resolve environmental problems through contracts with state and local governmental units and private nonprofit agencies. Such contracts shall include a component of regular performance evaluation leading to a work experience credential for the enrollee.

NEW SECTION, Sec. 3. The commissioner is authorized to select and enroll in the program for youth service, any person who is over fourteen years of age or who has not yet reached his or her twenty-fifth birthday, who is a resident of the state of Washington, and who is not for medical, legal, or psychological reasons incapable of a full year of service. The commissioner may prescribe such additional standards and procedures for selection of enrollees as may be necessary and in conformance with the provisions of this chapter.

NEW SECTION, Sec. 4. Placements in the program for youth service shall include those assignments which provide for dealing with social and environmental problems, and conservation and development of our natural resources.

The commissioner is authorized to establish standards for the development of placements for program for youth service enrollees with state and local units of government and private nonprofit agencies and organizations, and to assign enrollees to such placements in accordance with those standards.

A subsistence living allowance and comprehensive medical insurance shall be paid by the commissioner in accordance with the standards and limitations of the funding appropriation.

NEW SECTION, Sec. 5. A "program for youth service enrollee" is defined as a person who has completed enrollment forms and entered into a program for youth service contract as approved by the director of the program for youth service and who has entered service and is receiving a subsistence living allowance from the employment security department. Prior to placement of the program for youth service enrollee, the commissioner shall secure a written agreement from the state or local government unit, or private nonprofit agency and the enrollee which specifies in detail the purpose, objectives, and activities to be performed by the enrollee. It shall include assurances that the conditions of this chapter are met as well as an agreement that neither party will request nor receive compensation of any form other than the minimal living allowance, listed benefits, and actual expenses incurred by the enrollee in line with his or her assignment. All parties shall agree that they will not discriminate in the providing of any of its services on the basis of race, creed, ethnic origin, sex, age, or political affiliation.

NEW SECTION, Sec. 6. If the employment security department finds that there is an opportunity for the placement of youth in a training program that will, in

the opinion of the director, assist in the development of skills and talents as set forth in section 1 of this act, then the director is hereby authorized to enter into any contract with any employer in the state that offers such training program or opportunities. Contracts entered into with employers other than local governmental and private nonprofit agencies shall not be exempted from the minimum wage laws of this state, but the director shall be empowered to reimburse the employer an amount not to exceed the amount that would have been paid under section 5 of this act. The director shall only be authorized to make said payments for a maximum period of one year.

The director shall report back to the legislature by January 15, 1978, the number of contracts entered into and the number of youth employed under this section and under section 5 of this act.

**NEW SECTION.** Sec. 7. Program for youth service enrollees shall be eligible for the benefits under Title 51 RCW, as now or hereafter amended, relating to industrial insurance.

The employment security department shall be deemed the employer and pay all premiums, including the worker's share. The employment security department will give notice of coverage under industrial insurance of all of its program for youth service enrollees to the director of the department of labor and industries prior to the occurrence of the injury or contraction of an occupational disease by any program for youth service enrollees.

**NEW SECTION.** Sec. 8. The assignment of program for youth service enrollees shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or other employment benefits.

State and local governments and private nonprofit agencies that participate in the program may not terminate, lay off, or reduce the working hours of any employee for the purpose of utilizing an enrollee with funds available under this chapter.

**NEW SECTION.** Sec. 9. The provisions of chapter 49.46 RCW, the state Minimum Wage Act, shall not apply to any program for youth service enrollee serving under a youth service contract approved pursuant to the provisions of this chapter.

**NEW SECTION.** Sec. 10. In addition to any other power, duty, or function prescribed by law or regulation, the employment security department, through the youth service corps, shall be authorized to accept federal funds and grants and implement federal programs relating to youth services or employment programs, and is further authorized to enter into agreements respecting such funds or grants.

If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this chapter; the rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION.** Sec. 11. The provisions of this chapter shall expire on December 31, 1981.

**NEW SECTION.** Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 50 RCW."

In line 1 of the title, following "corps" strike all the material through "service;" in line 2 and insert "and the program for youth service; providing an expiration date;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.



## MOTION

On motion of Senator Goltz, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2069.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2069, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senators Francis, Rasmussen—2.

ENGROSSED SENATE BILL NO. 2069, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2286, with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 1, chapter 108, Laws of 1937 as amended by section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010 are each amended to read as follows:

The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

A "two-year college course" as used herein means the completion of sixty semester hours or ninety quarter hours of collegiate credit from a college or university approved by the director ((of licenses)) and the state ((examining committee)) board of funeral directors and embalmers.

"Funeral establishment" means a place of business licensed in accordance with section 3 of this 1977 amendatory act, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

"Director" means the director of motor vehicles.

"Board" means the state board of funeral directors and embalmers created pursuant to section 8 of this 1977 amendatory act.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

Sec. 2. Section 11, chapter 108, Laws of 1937 and RCW 18.39.180 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the director of ((licenses and state examining committee)) motor vehicles in consultation with the

state board of funeral directors and embalmers shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director ((of licenses)) shall have the power to suspend or revoke any license, after proper hearing and notice to the licensee, upon such licensee being found guilty of any of the following acts or omissions:

- (1) Conviction of a crime involving moral turpitude;
- (2) Unprofessional conduct which is hereby defined to include:
  - (a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;
  - (b) False or misleading advertising as a funeral director or embalmer;
  - (c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: PROVIDED, This chapter shall not be deemed to prohibit general advertising or the sale of pre-need funeral plans;
  - (d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;
  - (e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;
  - (f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;
  - (g) Gross immorality;
  - (h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;
  - (i) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
  - (j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body, without the written consent of next of kin;
  - (k) Violation of any of the provisions of this chapter or the rules and regulations in support thereof;
  - (l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
  - (m) Fraud or misrepresentation in obtaining a license;
  - (n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;
  - (o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

NEW SECTION, Sec. 3. The director shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

- (1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;
- (2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one

licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.085.

The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license.

**NEW SECTION.** Sec. 4. (1) In the event a licensed funeral establishment ceases to have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the director, except as provided in subsection (2) of this section.

(2) If a licensed funeral establishment constitutes any part of the assets of an estate of a deceased person upon whom such license was dependent because the deceased was a licensed funeral director, then the legal representative of the estate shall be entitled to appoint someone other than a licensed funeral director to act in the capacity of a funeral director and shall be entitled to continue to operate the licensed funeral establishment under the existing license or renewals thereof for a period not to exceed two years without the necessity of employing a licensed funeral director in addition to the required licensed embalmer.

**NEW SECTION.** Sec. 5. The director, in addition to other powers and duties, shall have the following powers and duties under this chapter:

(1) To determine the qualifications of applicants for all licenses under this chapter;

(2) To issue all licenses provided for under the provisions of this chapter;

(3) To annually renew licenses under this chapter;

(4) To collect all fees prescribed and required under this chapter; and

(5) To keep general books of record of all official acts, proceedings, and transactions of the department while acting under this chapter.

**NEW SECTION.** Sec. 6. (1) The director may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with the provisions of this chapter or any rules and regulations issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

**NEW SECTION.** Sec. 7. The director may refer such evidence as may be available to him concerning violations of this chapter or of any rule or regulation adopted hereunder to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or

hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

**NEW SECTION.** Sec. 8. There is hereby established a state board of funeral directors and embalmers to be composed of five members appointed by the governor in accordance with this section, one of whom shall be a public member. The three members of the state examining committee for funeral directors and embalmers, which was created pursuant to RCW 43.24.060, as of the effective date of this 1977 amendatory act are hereby appointed as members of the board to serve for initial terms. The governor shall appoint two additional members of the board. Each professional member of the board shall be licensed in this state as a funeral director and embalmer and a resident of the state of Washington for a period of at least five years next preceding appointment, during which time such member shall have been continuously engaged in the practice as a funeral director or embalmer as defined in this chapter. No person shall be eligible for appointment to the board of funeral directors and embalmers who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.

All members of the board of funeral directors and embalmers shall be appointed to serve for a term of five years, to expire on July 1 of the year of termination of their term, and until their successors have been appointed and qualified: PROVIDED, That the governor is granted the power to fix the terms of office of the members of the board first appointed so that the term of office of not more than one member of the board shall terminate in any one year. In case of a vacancy occurring on the board, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office. Any member of the board of funeral directors and embalmers who fails to properly discharge the duties of a member may be removed by the governor.

The board shall meet once annually to elect a chairman, vice chairman, and secretary and take official board action on pending matters by majority vote of all the members of the board of funeral directors and embalmers and at other times when called by the director, the chairman, or a majority of the members. A majority of the members of said board shall at all times constitute a quorum.

**NEW SECTION.** Sec. 9. Each member of the board of funeral directors and embalmers shall receive compensation of twenty-five dollars for each board meeting attended, together with travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

- (1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;
- (2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";
- (3) To make findings and recommendations to the director on any and all matters relating to the enforcement of the provisions of this chapter; and
- (4) To perform all other duties and responsibilities under this chapter, the laws of the state of Washington, and the rules and regulations promulgated in support thereof.

**NEW SECTION.** Sec. 10. The board of funeral directors and embalmers shall be responsible for determining the nature, type, and extent of examinations to be taken by applicants for a funeral director or embalmer license. However, such examinations for embalmers shall include generally the following subjects: Anatomy, chemistry, restorative art, physiology, pathology, sanitary science, and the care, disinfection, preservation, transportation, and burial, or other final disposition, of dead

human bodies. The examination for funeral director shall generally include: Psychology, sanitary science, the care and transportation of dead human bodies, and operational management of funeral establishments. Both examinations shall include generally the subject of this chapter and of the law of the state of Washington relating to infectious diseases, quarantine, and the care and disposition of dead human bodies. The board shall grade the examinations and shall determine whether the applicant has passed or failed such examination. Examinations shall be written and shall be held at such times and at such places within the state of Washington as determined by the director.

NEW SECTION. Sec. 11. Sections 3 through 10 of this 1977 amendatory act shall be added to chapter 18.39 RCW.

NEW SECTION. Sec. 12. The board of funeral directors and embalmers shall cease to exist on July 1, 1981, unless extended by law for an additional fixed period of time."

In the title, strike everything after "AN ACT" and insert "Relating to funerals; amending section 1, chapter 108, Laws of 1937 as amended by section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010; amending section 11, chapter 108, Laws of 1937 and RCW 18.39.180; and adding new sections to chapter 18.39 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

#### MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2286.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2. Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senators Cunningham, Matson—2.

ENGROSSED SENATE BILL NO. 2286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2421, with the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert: "NEW SECTION. Section 1. There is added to chapter 35.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability and when the decision to approve or reject

such amendment is administrative in nature, as opposed to legislative in nature. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances, or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by the hearing examiner.

Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the nature of the decisions made by the examiner.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION.** Sec. 2. There is added to chapter 35A.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability and when the decision to approve or reject such amendment is administrative in nature, as opposed to legislative in nature. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the nature of the decisions made by the examiner.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION.** Sec. 3. There is added to chapter 36.70 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat or short plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat and short plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability and when the decision to approve or reject such amendment is administrative in nature, as opposed to legislative in nature. In addition, the legislative authority may vest in a hearing

examiner the power to hear and decide conditional use applications, variance applications, applications for shoreline permits or any other class of applications for or pertaining to land uses. The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 4. There is added to chapter 58.17 RCW a new section to read as follows:

As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat and short plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the nature of the decisions made by the examiner.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Goltz, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2421, and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2668, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following: "NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Mobile Home Landlord-Tenant Act".

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Landlord" means the owner of real property rented or held out for rent to others for the placement of two or more mobile homes, and includes the agents of a landlord.

(2) "Mobile home" means a transportable, factory-assembled dwelling unit designed to be used as and suitable for year-round occupancy and containing similar facilities for water supply, waste disposal, and electrical conveniences as for immobile housing.

(3) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use of the occupants of that mobile home.

(4) "Mobile home park" means any real property which is rented or held out for rent as the location for two or more mobile homes for dwelling purposes.

(5) "Owner" means one or more persons, jointly or severally, in whom is vested (a) all or part of the legal title to property; or (b) all or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(6) "Person" means an individual, group of individuals, corporation, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(7) "Premises" means the grounds and facilities of the mobile home park held out for the common use of tenants and vacant mobile home lots, but not including rented mobile home lots or vacant lands adjacent to the mobile home park.

(8) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined which shall reflect the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation, and ability of the lawyer or lawyers performing the services.

(9) "Rental agreement" means any contract or lease which establishes or modifies the terms, conditions, rules, regulations, or other provisions concerning the use of a mobile home lot and the occupancy of a mobile home thereon.

(10) "Rent" means money or any other valuable consideration given for the right of use, possession, or occupation of a mobile home lot.

(11) "Tenant" means any person, except a transient, who is entitled to occupy a mobile home on a mobile home lot pursuant to a rental agreement.

(12) "Transient" means a person who rents a mobile home lot for a period of less than one month.

**NEW SECTION.** Sec. 4. This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: **PROVIDED,** That the provisions of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter.

**NEW SECTION.** Sec. 5. Each landlord shall notify his tenants in writing on or before November 1, 1977, that all rental agreements entered into thereafter for a term of six months or longer must be in writing and that a written one year rental agreement, conforming to the requirements of this chapter, is available upon request by the tenant: **PROVIDED,** That in the case of a mobile home park or part thereof acquired for construction of a public works project, or under imminent threat of condemnation for a public works project, such one year rental agreements need not be offered by the landlord. A tenant or prospective tenant may elect to execute a rental agreement for less than a one year term. If a one year rental agreement is executed, no landlord shall allow a mobile home to be moved into a mobile home park until the written rental agreement has been signed by both the landlord and tenant and a copy provided to the tenant.

**NEW SECTION.** Sec. 6. (1) All rental agreements executed between landlord and tenant shall contain:



(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant to the landlord. Additional charges payable by the tenant to the landlord that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) The rules and regulations of the park including rules for guest parking;

(c) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(d) A list of all services, facilities, and amenities that the landlord will provide, whether at the commencement of the tenancy or thereafter, including the approximate dates of completion or availability of such services, facilities, and amenities as are contemplated or under construction; and

(e) The name and address of the person who is the landlord and, if such person does not reside in Washington state, the name and address of a person who is authorized to act as agent of the landlord for the purpose of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent;

(2) Rental agreements between a landlord and tenant shall not contain:

(a) Any provision which permits the landlord to evict a tenant or charge a penalty fee for late payment of rent or other charges prior to five days beyond the date on which the rent or other charges are due;

(b) Any provision which permits the landlord to charge a penalty fee for late payment of rent or other charges in excess of five dollars per month or five percent of the total amount of rent or other charges due, whichever is greater;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision allowing the landlord to charge an amount in excess of two months' rent in advance and an amount in excess of one month's rent as a security deposit;

(e) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter;

(f) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee";

(g) Any provision by which the tenant agrees to the exculpation or limitation of any liability of the landlord arising under law, or to indemnify the landlord for that liability or the costs connected therewith; or

(h) Any provision by which the tenant agrees to pay the attorney's fees of the landlord, except as authorized in this chapter; and

(3) A provision in a rental agreement prohibited by subsection (2) of this section is unenforceable. If a landlord attempts to enforce any provision known by him to be prohibited, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

NEW SECTION. Sec. 7. (1) Rental agreements shall be automatically renewed unless:

(a) Otherwise agreed in the original rental agreement; or

(b) The landlord gives the tenant written notice, not less than two months prior to the expiration of a rental agreement for a fixed term and not less than thirty days prior to the expiration of a month-to-month rental agreement, that:

(i) The rental agreement will be renewed only upon the tenant's acceptance of the new terms specified in the notice; or

(ii) The rental agreement will be terminated upon its expiration date for due cause as specified in the notice: **PROVIDED**, That due cause shall be limited to one or more of the reasons enumerated in section 14 of this act; or

(iii) The rental agreement will be terminated upon its expiration date due to a change in land use to other than a mobile home park.

(2) After receipt of a notice which conditions renewal of the rental agreement upon acceptance by the tenant of new terms, the tenant shall notify the landlord in writing if the tenant does not intend to renew the rental agreement:

(a) Not less than thirty days prior to the expiration of a rental agreement for a fixed term; or

(b) Not less than fifteen days prior to the expiration of a month-to-month rental agreement.

(3) Failure of the tenant to notify the landlord as specified in subsection (2) of this section shall result in automatic renewal of the rental agreement on a month-to-month basis, including the terms specified in the landlord's notice.

**NEW SECTION.** Sec. 8. Rules and regulations contained in a rental agreement may be amended or supplemented by the landlord during the term of a rental agreement only:

(1) Upon six months' written notice; or

(2) With the written consent of the tenant.

However, written regulations pertaining to recreational facilities may be reasonably amended at the landlord's discretion.

**NEW SECTION.** Sec. 9. It shall be the duty of the tenant to:

(1) Keep the mobile home lot in a clean and sanitary condition, and dispose of all rubbish and garbage in a sanitary manner;

(2) Not permit a nuisance or commit waste;

(3) Abide by all rules or regulations of the mobile home park as contained in the rental agreement or as amended subsequently; and

(4) Give the landlord prompt written notice of needed repairs or complaints.

**NEW SECTION.** Sec. 10. It shall be the duty of the landlord to:

(1) Maintain the mobile home park to substantially comply with any applicable code, statute, ordinance, or regulation governing its maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented;

(2) Keep the premises reasonably clean, sanitary, and safe from defects to reduce the hazards of fire, accident, or disease;

(3) Indicate each mobile home lot in the park so as to make clear each tenant's area of responsibility;

(4) Keep the premises free of weeds or plant growth noxious and detrimental to the health of the tenants;

(5) Keep the premises free of infestation by insects, rodents, and other pests detrimental to the health of the tenants;

(6) Maintain all electrical, water, sewer, gas, or other utilities provided by the landlord in reasonably good working condition;

(7) Maintain roads within the mobile home park in reasonably good condition; and

(8) Provide adequate space for parking which does not block traffic on any road.

**NEW SECTION.** Sec. 11. Improvements, except a natural lawn, purchased and installed by a tenant on a mobile home lot shall remain the property of the tenant even though affixed to or in the ground and may be removed or disposed of by the tenant at the termination of the tenancy: **PROVIDED**, That a tenant shall leave the mobile home lot in substantially the same or better condition than upon taking possession.

**NEW SECTION.** Sec. 12. A landlord shall not:

(1) Prohibit meetings by tenants of a mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner, on the premises, nor penalize any tenant for participation in such activities;

(2) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park solely because of the sale thereof: **PROVIDED**, That:

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;

(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, except that the landlord may, pursuant to a program to upgrade the quality of the mobile home park, disapprove the assignment of the rental agreement if the mobile home is less than ten feet in width, more than ten years old, or in a run-down condition;

(3) Enter any tenant's mobile home without permission of the tenant: **PROVIDED**, That in case of emergency or abandonment the landlord may enter the mobile home without the tenant's consent;

(4) Restrict the tenant's freedom of choice in purchasing goods or services: **PROVIDED**, That door-to-door solicitation in the mobile home park may be prohibited or restricted in the rental agreement;

(5) Terminate a rental agreement for the primary purpose of making the mobile home lot available to another person; or

(6) Tow or impound a vehicle located on the premises except after reasonable effort by the landlord to notify the owner or operator thereof.

**NEW SECTION.** Sec. 13. If the tenant substantially fails to carry out the duties imposed by section 9 or 11 of this act, the landlord may bring an action in an appropriate court, or at arbitration if so agreed, for any remedy provided under this chapter or otherwise provided by law.

**NEW SECTION.** Sec. 14. A tenant may be evicted only for one or more of the following reasons:

(1) Substantial or repeated violation of the rules and regulations of the mobile home park as contained in the rental agreement or as subsequently amended, or of any other condition or covenant of the rental agreement, other than one for the payment of rent. The tenant shall be given a ten day written notice in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in eviction;

(2) Nonpayment of rent or additional charges specified in the rental agreement, upon five days' written notice to pay rent or to vacate;

(3) Conviction of the tenant of a misdemeanor, gross misdemeanor, or felony under federal, state, or local law, the commission of which threatens the health, safety, or welfare of the other mobile home park tenants, upon three days' written notice by the landlord to vacate.

NEW SECTION. Sec. 15. (1) The landlord shall not take or threaten to take reprisals or retaliatory action against the tenant because of any good faith and lawful:

(a) Complaints or reports by the tenant to a governmental authority concerning the failure of the landlord to substantially comply with any code, statute, ordinance, or regulation governing the maintenance or operation of the mobile home park;

(b) Assertions or enforcement by the tenant of his rights and remedies under this chapter.

(2) "Reprisal or retaliatory action" shall mean and include but not be limited to any of the following actions by the landlord when such actions are intended primarily to retaliate against a tenant because of the tenant's good faith and lawful act:

(a) Eviction of the tenant;

(b) Increasing the rent required of the tenant;

(c) Reduction of services to the tenant;

(d) Increasing the obligations of the tenant; or

(e) Termination of a rental agreement.

NEW SECTION. Sec. 16. If the tenant defaults in the payment of rent and reasonably indicates by words or actions his intention not to resume tenancy, he shall be liable for the following for such abandonment: PROVIDED, That upon learning of such abandonment of the premises the landlord shall make a reasonable effort to mitigate the damages resulting from such abandonment:

(1) When the tenancy is month-to-month, the tenant shall be liable for the rent for the thirty days following the date the next regular rental payment would have become due.

(2) When the tenancy is for a term greater than month-to-month, the tenant shall be liable for the lesser of the following:

(a) The entire rent due for the remainder of the term; or

(b) All rent accrued during the period reasonably necessary to rerent the premises at a fair rental, plus the difference between such fair rental and the rent agreed to in the prior rental agreement.

In the event of abandonment by the tenant of a mobile home located in the landlord's mobile home park, the landlord may immediately take possession of any property of the tenant located on the mobile home lot, including the mobile home, and may store the same in a secure place.

A notice containing the name and address of landlord and the place where the property is stored must be mailed promptly by the landlord to the last known address of the tenant. After sixty days from the date of default in rent, and after prior notice of such sale is mailed to the last known address of the tenant, the landlord may sell such property and may apply any income derived therefrom against moneys due the landlord, including drayage and storage. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of sale, and if no claim is made or action commenced by the tenant for the recovery thereof prior to the expiration of that period of time, the balance shall be the property of the landlord.

(3) In the event of foreclosure on or repossession of a tenant's mobile home, the person entitled to possession of such mobile home shall be liable for rent for the mobile home lot, at the same rate as was charged the tenant, for the month in which he became entitled to such possession and thereafter until the mobile home is removed. The landlord shall have the right to require removal of the mobile home from the mobile home park within thirty days after establishment of legal possession. In the event that the removal is not effected in the time required, the landlord may take possession of and store the mobile home in a secure place and bring an action for damages against the person entitled to possession.

**NEW SECTION.** Sec. 17. If at any time during the tenancy the landlord fails to carry out the duties required by section 10 of this act, the tenant may, in addition to pursuit of remedies otherwise provided him by law, deliver written notice to the person designated in section 6(1)(e) of this act, which notice shall specify the mobile home park involved, the name of the owner, if known, and the nature of the defective condition. For the purposes of this chapter, a reasonable time for the landlord to commence remedial action after receipt of such notice by the tenant shall be, except where circumstances are beyond the landlord's control:

(1) Not more than twenty-four hours, where the defective condition deprives the tenant of water or heat or is imminently hazardous to life or health;

(2) Not more than forty-eight hours, where the landlord fails to provide hot water or electricity;

(3) Subject to the provisions of subsections (1) and (2) of this section, not more than seven days in the case of a repair under section 19 of this act;

(4) Not more than thirty days in all other cases.

In each instance the burden shall be on the landlord to see that remedial work under this section is completed with reasonable promptness.

**NEW SECTION.** Sec. 18. (1) If, after receipt of written notice, and expiration of the applicable period of time, as provided in section 17 of this act, the landlord fails to remedy the defective condition within a reasonable time the tenant may:

(a) Terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement, in which case he shall be discharged from payment of rent for any period following the quitting date, and shall be entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the bases for retaining any of the deposit together with any refund due in accordance with section 24 of this act;

(b) Bring an action in an appropriate court, or at arbitration if so agreed, for any remedy provided under this chapter or otherwise provided by law; or

(c) Pursue other remedies available under this chapter.

(2) Not less than fifteen days following written notice to the landlord, a tenant may deposit into escrow the payment of rent while seeking relief for failure of the landlord to carry out the landlord's duties or obligations to the tenant as required by statute, regulation, or ordinance or as set forth in the rental agreement.

**NEW SECTION.** Sec. 19. (1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by section 10 of this act, and notice of the defect is given to the landlord pursuant to section 17 of this act, the tenant may submit to the landlord or his designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to section 17 of this act: **PROVIDED**, That the remedy provided in this section shall not be available for a landlord's failure to carry out the duties in section 10(3) of this act.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or his designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home lot in any twelve-month period: **PROVIDED**, That when the landlord must commence to remedy the defective condition within thirty days as provided in section 17(4) of this act, the tenant cannot contract for repairs for at least fifteen days following receipt of said bids by the landlord: **PROVIDED FURTHER**, That the

total costs of repairs deducted in any twelve-month period under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home lot.

(3) If the landlord fails to carry out the duties imposed by section 10 of this act within a reasonable time, and if the cost of repair does not exceed one month's rent, including the cost of materials and labor, which shall be computed at the prevailing rate in the community for the performance of such work, and if repair of the condition need not by law be performed only by licensed or registered persons, the tenant may repair the defective condition in a workmanlike manner and upon completion of the repair and an opportunity for inspection, the tenant may deduct the cost of repair from the rent: **PROVIDED**, That the total costs of repairs deducted in any twelve-month period under this subsection shall not exceed one month's rent of the mobile home lot.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the workmen's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of RCW 60.04.010 and 60.04.040.

(5) Any repair work performed under the provisions of this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or regulation. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

**NEW SECTION.** Sec. 20. If the landlord violates any provision of sections 11 or 12 of this act, the tenant may bring an action in an appropriate court, or at arbitration if so agreed, for any remedy provided under this chapter or otherwise provided by law.

**NEW SECTION.** Sec. 21. (1) No duty shall devolve upon the landlord to repair a defective condition, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair.

(2) The tenant shall be current in the payment of rent before exercising any of the remedies accorded him under the provisions of this chapter: **PROVIDED**, That this section shall not be construed as limiting the tenant's civil remedies for negligent or intentional damages: **PROVIDED FURTHER**, That this section shall not be construed as limiting the tenant's right in an unlawful detainer proceeding to raise the defense that there is no rent due and owing.

**NEW SECTION.** Sec. 22. (1) Any written notice required by this chapter to be given to a tenant by a landlord shall be delivered to the tenant personally or mailed to the tenant's last known address.

(2) Any written notice required by this chapter to be given to a landlord by a tenant shall be delivered personally to the landlord or the agent, if any, named in the rental agreement, or mailed to the last known address of the landlord or to the last known address of the agent, if any, named in the rental agreement.

**NEW SECTION.** Sec. 23. All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account in a bank, savings and loan association, mutual savings bank, or with a licensed escrow agent located in Washington. Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof.

If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address, and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, even if such moneys are commingled.

NEW SECTION. Sec. 24. Within fourteen days after the termination of the rental agreement and vacation of the mobile home lot, the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement. No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the mobile home lot.

If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above such landlord shall be liable to the tenant for the amount of said deposit.

Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against, a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorney's fees and costs of suit.

NEW SECTION. Sec. 25. In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs. Venue for any action arising under this chapter shall be in the district or superior court of the county in which the mobile home lot is located.

NEW SECTION. Sec. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. There is added to chapter 59.04 RCW a new section to read as follows:

This chapter does not apply to any rental agreement governed under the provisions of chapter — RCW (sections 1 through 26 of this act).

NEW SECTION. Sec. 28. There is added to chapter 59.08 RCW a new section to read as follows:

This chapter does not apply to any rental agreement governed under the provisions of chapter — RCW (sections 1 through 26 of this act).

NEW SECTION. Sec. 29. There is added to chapter 59.16 RCW a new section to read as follows:

This chapter does not apply to any rental agreement governed under the provisions of chapter — RCW (sections 1 through 26 of this act).

NEW SECTION. Sec. 30. There is added to chapter 59.18 RCW a new section to read as follows:

This chapter does not apply to any rental agreement governed under the provisions of chapter — RCW (sections 1 through 26 of this act).

NEW SECTION. Sec. 31. Sections 1 through 26 of this act shall constitute a new chapter in Title 59 RCW."

On page 1, on line 1 of the title, after "tenant;" strike the remainder of the title and insert "adding a new section to chapter 59.04 RCW; adding a new section to chapter 59.08 RCW; adding a new section to chapter 59.16 RCW; adding a new section to chapter 59.18 RCW; adding a new chapter to Title 59 RCW; and prescribing remedies for violations.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Francis, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2668, and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2166, with the following amendments:

On page 3, after line 28, insert a new section to read as follows:

"**NEW SECTION.** Sec. 9. To carry out the provisions of this act there is appropriated to the department of general administration from the general fund for the biennium ending June 30, 1979, the sum of one hundred sixty-six thousand two hundred sixty-five dollars, or so much thereof as shall be necessary."

On page 1, line 8 of the title, after "43.77.04;" strike "and" and on line 9, after "43.77.050" insert "; and making an appropriation", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

## MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2166.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2166, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Absent or not voting: Senators Bausch, Cunningham—2.

ENGROSSED SENATE BILL NO. 2166, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute Senate Joint Resolution No. 116, on reconsideration.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 116, by Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Lewis, Bausch and Gaspard):

Permitting the lending of state and local government credit for energy conservation services and materials.

Debate ensued.



## MOTION

On motion of Senator Mardesich, the rules were suspended and Engrossed Substitute Senate Joint Resolution No. 116 was returned to second reading.

Further debate ensued.

## MOTION

On motion of Senator Bottiger, Engrossed Substitute Senate Joint Resolution No. 116 was made a special order of business immediately following the noon recess.

## MOTION

At 11:00 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

## NOON SESSION

The President called the Senate to order at 12:20 p.m.

## MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

May 17, 1977.

SENATE BILL NO. 2242, authorizing a capital projects bond issue for fisheries (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 17, 1977.

SENATE BILL NO. 2272, authorizing bonds for WSU construction (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Matson, Morrison, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 17, 1977.

SENATE BILL NO. 2274, authorizing general obligation bonds for institutions of higher education facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2274 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Matson, Morrison, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 17, 1977.

SENATE BILL NO. 2277, authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 17, 1977.

SENATE BILL NO. 2584, relating to the retirement of public employees (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2584 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Matson, Morrison, Rasmussen, Ridder, Sandison.

Passed to Committee on Rules for second reading.

May 17, 1977.

ENGROSSED HOUSE BILL NO. 355, relaxing income limitations for retired persons' property tax exemption (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 865, establishing a revised public employees' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 866, establishing a revised teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott.

Passed to Committee on Rules for second reading.

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 865, establishing a revised public employees' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

May 17, 1977.

SUBSTITUTE HOUSE BILL NO. 1184, authorizing salmon enhancement facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

Passed to Committee on Rules for second reading.

### MOTIONS

On motion of Senator Walgren, the Special Order of Business, Engrossed Substitute Senate Joint Resolution No. 116, will be considered following House Bill No. 376.

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 376.

### SECOND READING

HOUSE BILL NO. 376, by Representative Martinis:

Removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California.

### REPORT OF STANDING COMMITTEE

April 25, 1977.

HOUSE BILL NO. 376, removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20, after "California)" insert "PROVIDED, That if it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges"

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Sandison, Talley, Wanamaker.

The bill was read the second time by sections.

Senator Peterson moved the committee amendment not be adopted.

### POINT OF INQUIRY

Senator Francis: "Will Senator Peterson yield? Senator Peterson, I am reading this committee amendment, and it says, 'PROVIDED, That if it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen, (b) reasonably calculated to promote conservation and (c) carried out in such manner that no particular individual, corporation or other entity acquires an excessive share of such privileges.' What does that mean and what is wrong with it? In other words, why doesn't it have any, or adequate support?"

Senator Peterson: "Well, the reason being is because the various user groups in the state have at least determined with their legal beagles that this would take away their bargaining power if we put total allocation within the department of fisheries. With the adoption of the main substance of 376 we are strengthening the department's powers to allocate, but we are not giving them total allocation and this, in effect, was their fears and that is why I suggest that we delete the amendment."

Senator Francis: "Senator Peterson, one further question. If we don't adopt the amendment, then what standards do we have for the department as far as allocation? Do we have any standards at all, or are we just leaving it wide open for them?"

Senator Peterson: "No, it is not wide open. They have standards. They allocate. They have always allocated. They allocate by seasons and regs, and rules and regs which they already have."

Senator Francis: "Thank you."

The motion by Senator Peterson carried and the committee amendment was not adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 16, after "hooks" insert "PROVIDED, HOWEVER, That the Washington department of fisheries may adopt regulations for the waters west of the coast of the state of Washington that are consistent with the regulations adopted by the United States department of commerce for the waters three miles to two hundred miles west of the coast of the state of Washington pursuant to the National Fisheries Conservation and Management Act."

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, is your amendment related solely to the rules and regulations that have been adopted to the present or does this—for future rules and regulations? Should this have—?"

Senator Mardesich: "First of all, it pertains only to the off-shore areas. It says in the second line, 'adopt regulations for the waters west of the coast of the state of Washington.' It does not—"

Senator Rasmussen: "Which is beyond the three miles."

Senator Mardesich: "Right, right, and then it simply says that within that area west of the coast and a three mile limit, then the state may adopt regulations which are consistent with the federal regulations. You are aware that the federals have already taken over regulation of the off-shore fishery on the troll fishery."

The motion by Senator Mardesich carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Odegaard, Senator Donohue was excused.

On motion of Senator Peterson, the rules were suspended, House Bill No. 376, 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 Peterson yield to a question? Senator Peterson, for the record, this is in no way proposed to validate the Boldt or Belloni decision. Is this correct?"

Senator Peterson: "It has no reference to the Boldt or Belloni decision, but the way I read it and the testimony that you heard in committee and that I heard indicates only that it strengthens the department's authority to promote our own rules and regs off of our own coast."

Senator Rasmussen: "And further question, Senator Peterson, does in no way authorize allocation as between user groups."

Senator Peterson: "By removing the amendment we are not allocating except we are, in effect, by rules and regs but that is not considered in the allocation measure that has been before us."

Senator Rasmussen: "It is not our—"

Senator Peterson: "The allocation—"

Senator Rasmussen: "It is not our intent."

Senator Peterson: "That is not our intent. We allocate now by rules and regs, and this does not interfere with that except that it takes in the three mile limit and puts it under the same rules and regulations that will be promulgated by the department of commerce and the President's task force, but we are not allocating under this bill. It is not the intent of the legislature or the committee or this bill to have an allocation intent built into this measure."

Senator Rasmussen: "Thank you, Senator Peterson, because there are many people in the state of Washington that think that Judge Boldt and Belloni made an unwise decision which is contrary to what the law should be."

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 376, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent or not voting, 3; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Peterson, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senators Guess, Monohon, Odegaard, Pullen, Rasmussen, Talley—6.

Absent or not voting: Senators Bausch, Cunningham, Morrison—3.

Excused: Senator Donohue—1.

HOUSE BILL NO. 376, as amended by the Senate, having received the constitutional majority, was declared passed. 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 Substitute House Bill No. 314.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 314, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Newhouse and Kreidler):

Authorizing pharmacy assistants and providing for their regulation.

### REPORT OF STANDING COMMITTEE

May 4, 1977.

SUBSTITUTE HOUSE BILL NO. 314, authorizing pharmacy assistants and providing for their regulation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, after "assistant" insert "level A"

On page 1, line 19, after "board;" insert a new subsection to read as follows:

"(5) "Pharmacy assistant level B" means a person certified by the board to perform limited functions in the pharmacy;" and renumber the remaining subsection consecutively

On page 1, line 23, after "the" insert "classification and"

On page 2, line 2, after "training" strike ", including appropriate college level courses as determined by the board"

On page 2, line 16, after "assistants" insert "at a uniform annual fee to be determined by the board"

On page 2, line 34, after "chapter" and before the period insert ": PROVIDED, That no pharmacist may supervise more than one person performing level A pharmacy assistant duties and functions: PROVIDED, FURTHER, That in pharmacies operating in connection with facilities licensed pursuant to chapters 70.41 or 71.12 RCW, whether or not situated within the said facility, the ratio of pharmacists to persons performing level A pharmacy assistant duties and functions shall be as follows: in the preparation of medicine or other materials used by patients within the facility, one pharmacist supervising no more than three persons performing level A pharmacy assistant duties and functions; in the preparation of medicine or other materials dispensed to persons not patients within the facility, one pharmacist supervising not more than one person performing level A pharmacy assistant duties and functions"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, Monohon, North, Van Hollebeke, Wojahn.

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 rules were suspended, Substitute House Bill No. 314, 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. 314, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Ridder, Sandison, Wojahn—3.

Absent or not voting: Senators Cunningham, Morrison—2.

Excused: Senator Donohue—1.

SUBSTITUTE HOUSE BILL NO. 314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTE OF APPRECIATION

The following note of appreciation was read to the Senate and accompanied a floral arrangement which was placed on the bar of the Senate:

"Our sincere appreciation, love and thanks to all who made the reception so special.

Love,  
Nancy and Howard"  
(SENATOR NANCY BUFFINGTON and  
DR. HOWARD KELLOGG.)

## SPECIAL ORDER OF BUSINESS

## SECOND READING

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 116, by Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Lewis, Bausch and Gaspard):

Permitting the lending of state and local government credit for energy conservation services and materials.

The time having arrived, the Senate resumed consideration of Engrossed Substitute Senate Joint Resolution No. 116, on reconsideration. On May 10, 1977, the Senate failed to pass the resolution and the Senate at that time moved to reconsider the vote by which the resolution failed to pass and was held on the third reading calendar for reconsideration at a later time. Earlier today, on motion of Senator Mardesich, the resolution was returned to second reading.

On motion of Senator Mardesich, the following amendments were considered and adopted simultaneously:

On page 1, line 11 of the engrossed bill, after "in the" strike "generation. sale," and insert "sale"

On page 1, beginning on line 14, strike "including, but not limited to, building insulation, storm windows and doors, heat pumps, and furnaces"

On motion of Senator Bottiger, the following amendment was adopted:

On page 1, line 16, after "use of energy," insert "Except as provided in section 7 an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the residential structure benefited."

On motion of Senator Bottiger, the rules were suspended, Reengrossed Substitute Senate Joint Resolution No. 116 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Joint Resolution No. 116, and the resolution passed the Senate, on reconsideration, by the following vote: Yeas, 33; nays, 13; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Mardesich, Marsh, McDermott, Monohon, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—33.

Voting nay: Senators Beck, Benitz, Clarke, Guess, Hayner, Jones, Keefe, Lewis, Matson, Newschwander, North, Pullen, Wanamaker—13.

Absent or not voting: Senators Cunningham, Morrison—2.

Excused: Senator Donohue—1.

REENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 116, having received the constitutional two-thirds majority, on reconsideration, was declared passed.

## MOTIONS

On motion of Senator Jones, Senators Cunningham and Morrison were excused.

On motion of Senator Peterson, House Bill No. 376, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2877.

## SECOND READING

SENATE BILL NO. 2877, by Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request):

Revising laws on ethics and disclosure.

## MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2877 was substituted for Senate Bill No. 2877, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the following amendment was adopted:

On page 6, line 9, strike everything through and including "discussed." on page 7, line 1, and insert the following:

"(1) Elected and appointed officials required to report under RCW 42.17.240, shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar year for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section, shall be referred to as a "public office fund" and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3)(a) of this section. For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.

A report shall be filed during the month of January of any year following a year in which such contributions were received for or expenditures made from a public office fund. The report shall include:

(a) The name and address of each contributor;

(b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and

(c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

(a) The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or

(b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible office related expenses have been paid shall be disposed of in one or more of the following ways:

(a) Returned to a contributor in an amount not to exceed the original contribution; or

(b) Donated to a charitable organization registered with the department of motor vehicles in accordance with chapter 19.09 RCW; or

(c) Transferred to the state treasurer for deposit in the general fund."

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen, Clarke and Lewis:

On page 7, after line 26, insert the following new section:

"NEW SECTION. Sec. 7. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to be codified as RCW 42.17.242 to read as follows:



Every elected official and every chief executive state officer who is subject to the provisions of RCW 42.17.240, who holds or whose immediate family member holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more in any corporation, partnership, joint venture, or other business entity, shall be exempt from complying with the provisions of RCW 42.17.240(1)(g)(ii), if such official or chief executive state officer requests from the commission such exemption and proves that the furnishing of such information might substantially and adversely affect the competitive position of such corporation, partnership, joint venture, or other business entity.

Any elected official or chief executive officer granted an exemption under this section shall include in the written statement required by RCW 42.17.240 the names of those governmental units and business or commercial entities from which the business entity of such official or officer (or of the immediate family member of such official or officer) has received during the preceding year two thousand five hundred dollars or more as a result of any contract between those governmental units or business or commercial entities and the agency of such official or officer. The official or officer to whom such exemption has been granted shall also be disqualified from participating in any negotiations for or the making of any contract between such governmental units or business or commercial entities and his office or agency."

Renumber the remaining section.

#### POINT OF ORDER

Senator Grant: "Mr. President, I raise the point of order that this amendment changes the scope and object of the bill. The amendment deals with almost automatic exemptions from reporting under the public disclosure act, whereas the bill itself is a very narrow bill relating to disposition of surplus campaign funds. I think that this clearly expands the scope and object and should be ruled out of order."

#### MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 2877, as amended, together with the pending amendment raised by Senators Rasmussen, Clarke and Lewis and the Point of Order by Senator Grant, was ordered held for further consideration May 19, 1977.

On motion of Senator Jones, Senator Buffington was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 697, by Committee on Education (originally sponsored by Representatives Dunlap, Clemente, Fortson, Whiteside, Bauer, Barnes, Greengo, Paris and Taller):

Mandating learning objectives for grades K-12 for statutorily required courses.

#### REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 697, mandating learning objectives for grades K-12 for statutorily required courses (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, after "math" strike all the material down to and including "courses,"

On page 1, line 17, after "September 1," strike "1979" and insert "1981"

On page 2, line 2, after "attainment" strike all the material down to and including "annually" on line 3 and insert "~~((and evaluated at least annually))~~ ; student attainment shall be locally assessed annually and the student learning objectives program shall be reviewed at least every two years."

On page 2, following section 1, add a new section to read as follows:

"NEW SECTION. Sec. 2. It is the intent of the legislature that learning objectives shall subsequently be developed and assessed by school districts for all other courses of study included in school district programs. Within one hundred eighty days after the adjournment of the first extraordinary session of the forty-fifth legislature, the superintendent of public instruction shall provide to the standing committees on education of the house of representatives and the senate a plan setting forth timelines for school district compliance in establishing a student learning objectives program for those courses of study which have been statutorily required prior to January 1, 1977.

Within one hundred eighty days after the adoption by the legislature of a definition of basic education, the superintendent of public instruction shall provide to the standing committees on education of the house of representatives and the senate a plan setting forth timelines for school district compliance in establishing a student learning objectives program based upon the definition of basic education. Such plans shall set forth the fiscal impact upon the state, educational service district, and school district of compliance with the student learning objectives program.

The superintendent of public instruction shall review implementation of the learning objectives law annually and shall submit a report of such review to the legislature on or before January 30 of each year."

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray; Washington.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendments were adopted.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 697, 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. 697, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgref, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Buffington, Cunningham, Donohue, Morrison—4.

SUBSTITUTE HOUSE BILL NO. 697, as amended by the Senate, having received the constitutional majority, was declared passed. 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. 2818.

## SECOND READING

SENATE BILL NO. 2818, by Senator Walgren:  
Relating to public service companies.

## MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 2818 was substituted for Senate Bill No. 2818, and the substitute bill was placed on second reading and read the second time in full.

There being no objection, on motion of Senator Bottiger, two amendments by Senator Bottiger to page 2, lines 2 and 21, on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Bottiger, the following amendment was adopted:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.92 RCW a new section to read as follows:

Any city or town engaged in the generation, sale, or distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to purchase, install, sell, rent, or lease building insulation, storm windows and doors, heat pumps, and furnaces, for use in residential structures less than four stories in height, for compensation or otherwise, for the conservation or more efficient use of energy pursuant to an energy conservation plan adopted by the city or town: **PROVIDED**, That the installations undertaken pursuant to this section shall be by contract through and with private persons, associations, organizations, or corporations.

NEW SECTION. Sec. 2. There is added to chapter 108, Laws of 1975-'76 2nd ex. sess. and to chapter 43.21F RCW a new section to read as follows:

The energy office, working in conjunction with the house and senate energy and utilities committees, shall develop and update as necessary, a proposed state-wide energy program for the conservation of energy and submit its recommendations concerning such to the legislature periodically: **PROVIDED**, That the energy office shall submit its initial recommendations concerning such energy program to the legislature for approval on or before January 1, 1978.

NEW SECTION. Sec. 3. There is added to chapter 54.16 RCW a new section to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to purchase, install, sell, rent, or lease building insulation, storm windows and doors, heat pumps, and furnaces, for use in residential structures less than four stories in height, for compensation or otherwise, for the conservation or more efficient use of energy pursuant to an energy conservation plan adopted by the district: **PROVIDED**, That the installations undertaken pursuant to this section shall be by contract through and with private persons, associations, organizations, or corporations.

NEW SECTION. Sec. 4. This act shall take effect on the same date companion legislation, a joint resolution to amend the state Constitution to authorize such lending of moneys or credit, becomes effective."

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2818 was advanced to third reading, the second 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. 2818, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Mardesich, Marsh, McDermott, Monohon, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—36.

Voting nay: Senators Beck, Clarke, Guess, Jones, Keefe, Lewis, Matson, Newschwander, Pullen—9.

Absent or not voting: Senator Benitz—1.

Excused: Senators Cunningham, Donohue, Morrison—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2818, having received the 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

HOUSE CONCURRENT RESOLUTION NO. 32, by Representatives King and Berentson:

Adopting joint rules for the forty-fifth legislature.

### MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 32 was advanced to second reading and read the second time in full.

Senator Mardesich moved adoption of the following amendment:

On page 8, line 16, Rule 7, after "report))" and before the period insert "PROVIDED, HOWEVER, That in the event five members of a conference committee cannot agree on a request for a free conference report a majority of the committee may report that the committee cannot agree, and request the appointment of another committee; PROVIDED FURTHER, That members of a conference committee may be discharged by a majority of the members present of their respective house

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted on a rising vote.

Senator Washington moved adoption of the following amendment by Senators Washington, Ridder and Murray:

After Rule 9, insert a new rule to read as follows:

#### OPEN MEETINGS

"Rule 9. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any conference or free conference committee shall be open to the public: PROVIDED, HOWEVER, That in case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and/or may order the meeting closed to any person or persons creating such disturbance."

Renumber succeeding sections accordingly.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Washington a question if I may. Senator Washington, you are a lawyer of some renown and repute. Do you ordinarily invite the plaintiffs and the defendants and the judge and the attorneys all into the jury room when they are deliberating?"

Senator Washington: "No, that is not done."

Senator Rasmussen: "Why not? Under your amendment it would be the same thing with the—"

Senator Washington: "I think logical—well, my answer to that is, traditionally it has been felt that a jury room should be secret. We expect it to be secret. The public expects it to be secret. They see nothing sinister about it being secret, but traditionally our—and more recently our legislative meetings are open. Our committee meetings are open. Our rules committee meeting is open. Our legislature itself is open, and the only place we have closed now is the conference committee, and I think there is a great deal of difference in the traditions and in what the public expects and the way we have found that we can operate in the open through experience. We know we can operate in the open. We have done it and we can continue to do it."

#### MOTION

Senator Rasmussen moved the amendment by Senators Washington, Ridder and Murray be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators Ridder, Goltz, Fleming, Francis, Grant, Wojahn and Wilson.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the amendment by Senators Washington, Ridder and Murray be laid upon the table.

#### ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Buffington, Clarke, Day, Donohue, Guss, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—30.

Voting nay: Senators Bluechel, Fleming, Francis, Gaspard, Goltz, Gould, Grant, McDermott, Murray, North, Pullen, Ridder, von Reichbauer, Washington, Wilson, Wojahn—16.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Cunningham, Morrison—2.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the eighth order of business.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Walgren moved the Senate reconsider the vote by which Substitute House Bill No. 697, as amended by the Senate, passed the Senate.

#### MOTION

On motion of Senator Walgren, the motion for reconsideration was ordered held for May 19, 1977.

MOTION

At 3:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, May 20, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**APPENDIX, HISTORY OF BILLS  
AND INDEX  
FOLLOWS IN  
VOLUME II OF  
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EXTRAORDINARY SESSIONS**

