

a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any educational service district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any educational service district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

Passed the House March 30, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 250

[Substitute House Bill No. 650]

SCHOOL DISTRICT BOARDS—FUNDS

AN ACT Relating to school districts; amending section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010; amending section 4, chapter 115, Laws of 1980 and RCW 28A.58.035; amending section 2, chapter 243, Laws of 1975 1st ex. sess. as amended by section 1, chapter 80, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.0461; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an effective date.

Be it enacted by the Legislature of the State of Washington:

****Section 1. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010 are each amended to read as follows:***

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or***
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law ((or necessary or proper to carry out the functions of a school district)); or***
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in ((subparagraph)) subsection (2) ((immediately above or***

~~necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor)) of this section; or~~

~~(4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or~~

~~(5) For major and minor structural changes and structural additions to buildings, structures, facilities, heating systems and sites ((necessary or proper to carrying out the functions of the school district)); or~~

~~(6) Providing the necessary initial equipment, furniture, to be utilized in the capital facilities described in subsections (2) through (5) of this section; or~~

~~(7) For special assessments for capital improvements, including but not limited to streets, curbs, water mains, drainage, and sidewalks; or~~

~~(8) For normal and necessary costs of acquisition, construction, and supervising construction of items enumerated in subsections (2) through (5) of this section; or~~

~~(9) For any or all of these purposes.~~

~~Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.~~

~~Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.~~

~~The bonds so issued shall be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW.~~

*Section 1 was vetoed, see message at end of chapter.

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:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A building reserve fund shall be established. Money to be deposited into the building reserve fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.58.035, and proceeds from the sale of real property as authorized by RCW 28A.58.0461.

Money legally deposited into the building reserve fund may be used for:

(a) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(b) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(c) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with building reserve fund money.

(d) Transfer to the building and capital projects fund.

(3) A building and capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the building and capital projects fund so established. Money to be deposited into the building and capital projects fund shall include but not be limited to bond proceeds, proceeds from excess levies authorized by RCW 84.52-.053, state apportionment proceeds as authorized by RCW 28A.41.143, earnings from building fund investments as authorized by RCW 28A.58-.435 and 28A.58.440, and transfers from the building reserve fund.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51-.010, except that accrued interest paid for bonds shall be deposited in the bond interest and redemption fund.

Money legally deposited into the building and capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include but shall not be limited to roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

Sec. 3. Section 2, chapter 243, Laws of 1975 1st ex. sess. as amended by section 1, chapter 80, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58-.0461 are each amended to read as follows:

The proceeds from any sale of school district real property by a board of directors shall be ~~((used solely for the purposes of school district bond retirement, real property improvements, the equipping or furnishing of school district buildings or grounds, or the acquisition of improved or unimproved~~

real property. ~~PROVIDED, That such acquisition shall be made only in contemplation of using such improved or unimproved real property for school district purposes)) deposited to the bond interest and redemption fund and/or the building reserve fund.~~

Sec. 4. Section 4, chapter 115, Laws of 1980 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property into the district's building reserve fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund.

NEW SECTION. Sec. 5. The effective date of this amendatory act shall be September 1, 1981.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 18, 1981, with the exception of Section 1, which is vetoed.

Filed in Office of Secretary of State May 18, 1981.

Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval as to Section 1, Substitute House Bill No. 650 entitled:

"AN ACT Relating to school districts."

Section 1 of the bill removes the phrase "necessary or proper to carry out the functions of a school district." As a result, school districts could not use funds to finance any school facility for which there is not specific authority in law. Surprisingly, without this phrase there is no other law that gives school districts definite authority to acquire and construct the broad range of facilities required to carry out many essential school district functions. Without the authority of the "necessary and proper" phrase, school districts may not be able to finance construction of school buildings through the issuance of bonds.

With the exception of Section 1, which I have vetoed, the remainder of Substitute House Bill No. 650 is approved."

CHAPTER 251

[Substitute Senate Bill No. 3024]

WANAPUM INDIANS (SOKULK) — CEREMONIAL, SUBSISTENCE FISHERY

AN ACT Relating to the relief of the Sokulk Indians by providing for their fishing in designated areas; adding a new section to chapter 75.12 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature finds that the Sokulk Indians, otherwise known as the Wanapum band of Indians, have made a significant effort to maintain their traditional tribal culture, including the