

## CHAPTER 263

[Substitute Senate Bill No. 2504]

## AGRICULTURAL WATER SUPPLY FACILITIES—APPROPRIATION

AN ACT Relating to agricultural water supply facilities; amending section 1, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.300; making an appropriation; creating new sections; adding a new section to chapter 87.03 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.300 are each amended to read as follows:

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.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

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))~~ unsatisfactory water supply conditions arising from ~~((the drought forecast for the state of Washington during the summer and fall of 1977))~~ droughts occurring from time to time in the state of Washington, 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 RCW 43.83B.360 through 43.83B.375 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. There is appropriated to the department of ecology, for use under RCW 43.83B.210, the amount of sixteen million dollars for the biennium ending June 30, 1981, from the state emergency water projects revolving account: PROVIDED, That notwithstanding the criteria related to loans and grants contained in RCW 43.83B.210, not more than one hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Cline Irrigation District, not more than one hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Dungeness Irrigation District, not more than one hundred thousand dollars of the appropriation

may be used for a loan or grant, or combination thereof, to the Highland Irrigation District, not more than eight million two hundred seventy-six thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Yakima-Tieton Irrigation District, not more than two million four hundred forty-six thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Sunnyside Valley Irrigation District for the financing of water supply system improvement projects, not more than one million dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Wenas Irrigation District, not more than four hundred twenty-five thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Icicle Irrigation District, not more than two hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Agnew Irrigation District, and not more than five hundred thousand dollars of the appropriation may be used for a loan or grant to an agency of the United States for preparation of feasibility studies relating to a comprehensive water supply project designed to alleviate water shortages in the Yakima River Basin. Such studies shall include evaluation of impacts on fish, wildlife and other environmental features. RCW 43.83B.385 shall not apply to moneys appropriated in this section. ***\*Notwithstanding any other provisions of this section, no more than fifteen percent of the total state funds provided to any irrigation district by this 1979 act may be a grant, except that no more than fifty percent of the total state funds provided to the Wenas Irrigation District by this 1979 act may be a grant.***

**\*Sec. 3. was partially vetoed, see message at end of chapter.**

**NEW SECTION.** Sec. 3. Irrigation districts are authorized to enter into contracts with the department of ecology pertaining to loans or grants of funds authorized for allocation for construction and rehabilitation of irrigation water supply facilities to such districts by section 2 of this act, chapter 43.83B RCW, or any other provisions of this code. The construction and rehabilitation of irrigation water supply facilities shall include reasonable features to protect and enhance fish, wildlife, and other natural resources.

**NEW SECTION.** Sec. 4. There is added to chapter 87.03 RCW a new section to read as follows:

There may be created for each irrigation district a fund to be known as the upgrading and improvement fund. At least five percent of the revenue of each irrigation district may annually be placed into its upgrading and improvement fund. Monies from the upgrading and improvement fund may only be used to modernize, improve or upgrade the irrigation facilities of the irrigation district or to respond to an emergency affecting such facilities.

NEW SECTION. Sec. 5. If any provision of this 1979 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. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 1, 1979.

Passed the House May 31, 1979.

Approved June 25, 1979, with the exception of the last sentence of Section 2, which is vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith, without my approval as to an item contained in Section 2, Substitute Senate Bill No. 2504 entitled:

"AN ACT relating to agricultural water supply facilities; amending Section 1, Chapter 1, Laws of 1977 ex. sess., and RCW 43.83B.300; making an appropriation; creating new sections; adding a new section to Chapter 87.03 RCW; and declaring an emergency."

Section 2 of this bill delineates certain sums of money to be expended for loans and grants to various agencies. A proviso, however, added to the bill by House amendment adopted 5/12/79 and being part of line 7 and continuing through line 12 of page 3, Section 2 is a dramatic change from the legislative intent of the 1977 Act which stated "the grant portion for any single project shall not exceed fifteen percent of the total single project cost."

Changing the maximum grants amount to fifteen percent of "the total state funds" is a dramatic change in policy and appears to nullify earlier commitments arrived at between urban and agricultural interests.

Consequently, I have determined to veto the language contained in the last sentence of Section 2, page 3 of the bill.

With the exception of that portion of the bill that I have vetoed, the remainder of Substitute Senate Bill 2504 is approved."

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## CHAPTER 264

[Engrossed Senate Bill No. 2466]

### CONSTRUCTION CONTRACTS—UNREASONABLE DELAY, DAMAGES WAIVER

AN ACT Relating to civil actions and proceedings; to exculpatory contractual provisions; adding new sections to chapter 4.24 RCW; and creating a new section.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

Any clause in a construction contract, as defined in section 2 of this 1979 act, which purports to waive, release, or extinguish the rights of a