

the national fire incident reporting system developed by the United States fire administration and rules established by the state fire marshal. The state fire marshal and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The state fire marshal shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the state fire marshal shall also furnish a copy of the report to any other interested person at cost.

NEW SECTION. Sec. 3. There is appropriated to the state fire marshal from the general fund the sum of ninety-five thousand dollars, or so much thereof as may be necessary to carry out the purposes of this act.

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.

Passed the Senate March 5, 1980.

Passed the House March 12, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.

CHAPTER 182

[Substitute Senate Bill No. 3537]

SICK LEAVE COMPENSATION—COMMUNITY COLLEGES, SCHOOL DISTRICTS—APPROPRIATION

AN ACT Relating to appropriations; amending section 1, chapter 150, Laws of 1979 ex. sess. and RCW 41.04.340; amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 173, Laws of 1977 ex. sess. and RCW 28B.50.551; amending section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.21 and 28A.58 RCW; and making an appropriation.

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

Section 1. Section 1, chapter 150, Laws of 1979 ex. sess. and RCW 41.04.340 are each amended to read as follows:

As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at ~~((institutions of higher education))~~ the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained: PROVIDED, That no employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month.

An attendance incentive program is established for all eligible employees. In January of the year following any year in which a minimum of sixty

days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

At the time of (~~retirement~~) separation from state service due to retirement or death, an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave; PROVIDED, That community college districts may delay until July 1, 1981, payment due any eligible employee or employee's estate: PROVIDED FURTHER, That there shall be added to any such delayed payment interest at the rate of eight percent per year.

Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

This section shall be administered, and rules shall be promulgated to carry out its purposes, by the state personnel board and the higher education personnel board for persons subject to chapters 41.06 and 28B.16 RCW, respectively, and by their respective personnel authorities for other eligible employees: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the state board for community college education for the biennium ending June 30, 1981, the sum of twenty-four thousand dollars, which shall be expended solely for administrative start-up costs associated with the inclusion of the community college system in the sick leave incentive program. Such funds as are not expended by June 30, 1981, shall be reverted to the general fund.

Sec. 3. Section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 173, Laws of 1977 ex. sess. and RCW 28B.50.551 are each amended to read as follows:

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies,

and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, (~~at least fifteen days~~) not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on the effective date of this amendatory act which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment (~~at a minimum rate of five days per quarter~~) for full time employees (~~up to a maximum of one hundred eighty days~~), and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

Sec. 4. Section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves

for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and noncertificated employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on the effective date of this amendatory act which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

~~((d))~~ (e) Leave provided in this proviso not taken shall accumulate from year to year ~~((up to a maximum of one hundred eighty days,))~~ and such accumulated time may be taken at any time during the school year but for purposes of payments for unused sick leave shall not exceed twelve days per year;

~~((e))~~ (f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

~~((f))~~ (g) ~~((Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable except in the following manner:))~~ Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of sections 5 and 6 of this amendatory act;

~~((g))~~ (h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

~~((††))~~ (i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

A new attendance incentive program for all certificated and noncertificated employees of a school district is hereby created, and every school district board of directors shall establish and maintain such a program in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: **PROVIDED,** That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from school district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury: **PROVIDED,** That an employee shall be entitled to all the benefits conferred by this section as of the effective date of this act, but the district may, in its discretion, delay payments due upon retirement or death, with interest at the rate of eight percent per year, to an eligible employee or the employee's estate until September 1, 1981.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Every educational service district board of directors shall establish an attendance incentive program for all certificated and noncertificated employees in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: **PROVIDED**, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury: **PROVIDED**, That an employee shall be entitled to all the benefits conferred by this section as of the effective date of this act, but the educational service district may, in its discretion, delay payments due upon retirement or death, with interest at the rate of eight percent per year, to an eligible employee or the employee's estate until September 1, 1981.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 7. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of

the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 13, 1980.

Passed the House March 12, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.

CHAPTER 183

[Substitute Senate Bill No. 3207]

KING COUNTY SUPERIOR COURT JUDGES

AN ACT Relating to superior court judges; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.061.

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

Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King (~~thirty-four~~) no more than thirty-nine judges of the superior court; in the county of Spokane ten judges of the superior court; in the county of Pierce thirteen judges of the superior court: **PROVIDED**, That the additional offices herein created for the county of Pierce shall be effective January 1, 1981: **PROVIDED FURTHER**, That the additional judicial positions created by the 1980 amendment of this section for the county of King shall become effective only if prior to July 1, 1980, the county through its duly constituted legislative authority has documented its approval thereof and has agreed to pay out of county funds without reimbursement from the state, the same portion of all expenses of such additional positions as it provides for the positions presently existing, in which case such positions shall become effective on January 1, 1981, **and shall be filled by persons elected and qualified at the general election immediately preceding January 1, 1981, and in which case the secretary of state and appropriate county election officials shall accept declarations of candidacy for such positions during the filing period specified by RCW 29.18.030.*

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

Passed the Senate March 13, 1980.

Passed the House March 12, 1980.

Approved by the Governor April 4, 1980, with the exception of the following: Beginning with and including the word "and" on line 22 and continuing to and including "RCW 29.18.030." on line 27 which is vetoed.

Filed in Office of Secretary of State April 4, 1980.

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