

Section 207(1) would prohibit responsible action by the Department of Social and Health Services to prevent the spread of AIDS.

Section 211(9) provides state General Fund monies to reimburse local fire districts for fire fighting services rendered on Department of Game lands. While I support reimbursement of local fire districts for services provided to state agencies, this cost is properly an obligation of the Department of Game and its dedicated funds. Financial segregation of Game Department activities should be continued until the Department is brought under executive control and a thorough review of its finances and programs indicates General Fund supplementation is appropriate.

Section 701(2) provides that monies from an existing appropriation to the Emergency Fund may be spent for law enforcement and social service problems arising from Expo '86. If the problems addressed by section 701(2) constitute an emergency, I will consider an allocation from the Emergency Fund. Otherwise, the Legislature should provide for these needs with a direct appropriation rather than limiting my ability to meet critical needs in state government.

In addition to the explanation of these vetoes, a comment is necessary regarding section 812. This section of the supplemental budget provides \$210,000 from the General Fund and \$210,000 in federal Game Funds for the purposes of rehabilitation work on the Barnaby Slough steelhead rearing pond. State funding for this project was terminated in 1981. The people of Skagit County have undertaken tremendous volunteer efforts to keep this project going and to preserve the steelhead resources of the area. Countless hours of labor and approximately \$10,000 has been donated toward the operation of Barnaby Slough. It is only because of this impressive community effort that I am approving this provision. My decision to allow use of General Fund monies for this project should not be considered a precedent for any future General Fund support of the Game Department. The Department and the Commission should understand that access to these taxpayer funds will require the highest level of public accountability. The Department cannot have it both ways. If it wants to remain free of executive oversight, it should not have access to general taxpayer funds. The public has a proper right to far greater oversight of an agency to which its general tax dollars are allocated.

With the exception of sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and agency to which its general tax dollars are allocated."

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## CHAPTER 313

[Substitute Senate Bill No. 4905]  
TRANSPORTATION BUDGET

AN ACT Relating to transportation; amending RCW 43.10.100; amending section 6, chapter 460, Laws of 1985 (uncodified); amending section 7, chapter 460, Laws of 1985 (uncodified); amending section 9, chapter 460, Laws of 1985 (uncodified); amending section 10, chapter 460, Laws of 1985 (uncodified); amending section 12, chapter 460, Laws of 1985 (uncodified); amending section 15, chapter 460, Laws of 1985 (uncodified); amending section 16, chapter 460, Laws of 1985 (uncodified); amending section 17, chapter 460, Laws of 1985 (uncodified); amending section 18, chapter 460, Laws of 1985 (uncodified); amending section 19, chapter 460, Laws of 1985 (uncodified); amending section 20, chapter 460, Laws of 1985 (uncodified); amending section 21, chapter 460, Laws of 1985 (uncodified); amending section 25, chapter 460, Laws of 1985 (uncodified); amending section 27, chapter 460, Laws of 1985 (uncodified); creating a new section; making appropriations; and declaring an emergency.

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

Sec. 1. Section 6, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL—FIELD OPERATIONS BUREAU**

Motor Vehicle Fund—State Patrol Highway

Account Appropriation .....	\$	((86,582,000))
		<u>89,399,000</u>

The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 2. Section 7, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway

Account Appropriation .....	\$	((31,696,000))
		<u>32,106,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The state patrol shall conduct a study to determine the level of fees that would be necessary to recover the actual costs incurred in providing training services to other law enforcement agencies at the state patrol academy.

(2) Up to \$250,000 is provided to implement the recommendations of the legislative transportation committee study of the budget, accounting, and other related systems of the state patrol. No moneys may be expended under this subsection without the prior approval of the legislative transportation committee.

(3) The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 3. Section 9, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation .....	\$	((32,891,000))
		<u>33,704,000</u>
Game Fund Appropriation.....	\$	((323,000))
		<u>354,000</u>
Total Appropriation .....	\$	((33,214,000))
		<u>34,058,000</u>

The appropriations in this section are subject to the following conditions and limitations: Computer terminal equipment purchased for the county auditor automation project shall be provided only to the auditors or licensing divisions of the 39 counties, the presently authorized 157 sub-agents, and the department of licensing's vehicle licensing counter. The department shall by ~~((January 13))~~ December 15, 1986, present to the legislative transportation committee a detailed report on implementation of

the county auditor automation project, including equipment purchased and installed, and revised six-year cost estimate.

Sec. 4. Section 10, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES**

**General Fund—Public Safety and Education**

Account Appropriation .....	\$	2,056,000
Highway Safety Fund Appropriation .....	\$	((30,005,000))
		<u>30,215,000</u>
<b>Highway Safety Fund—Motorcycle Safety</b>		
Education Account Appropriation.....	\$	((+93,000))
		<u>226,000</u>
Total Appropriation .....	\$	((32,254,000))
		<u>32,497,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

Sec. 5. Section 12, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS**

Game Fund Appropriation .....	\$	4,000
Highway Safety Fund Appropriation .....	\$	((3,538,000))
		<u>3,913,000</u>
Motor Vehicle Fund Appropriation .....	\$	((+1,687,000))
		<u>12,062,000</u>
Total Appropriation .....	\$	((+5,229,000))
		<u>15,979,000</u>

The appropriations in this section are subject to the following conditions and limitations: Not more than \$375,000 of the motor vehicle fund appropriation and \$375,000 of the highway safety fund appropriation are provided for a study to analyze the long-range motor vehicle and driver information system requirements of the department and the information system alternatives that will provide efficient and effective means of meeting these requirements. The department shall provide a preliminary report of the progress of this study to the legislative transportation committee by January 1, 1987. The department shall not proceed beyond the management

assessment phase of this project without the approval of the legislative transportation committee.

Sec. 6. Section 15, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State . . . . .	\$	<del>((109,000,000))</del>	<u>109,900,000</u>
Motor Vehicle Fund Appropriation—Federal and Local . . . . .	\$	<del>((124,000,000))</del>	<u>134,900,000</u>
Total Appropriation . . . . .	\$	<del>((233,000,000))</del>	<u>244,800,000</u>

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. Any amounts expended during the 1983–85 biennium from the motor vehicle fund—state appropriation in excess of the amount appropriated under section 21, chapter 53, Laws of 1983 1st ex. sess. as amended by chapter 2, Laws of 1984 shall be transferred to reserve status from amounts appropriated from the motor vehicle fund—state by this section.

If federal funds become available for the Mt. St. Helens road, the transportation commission, in consultation with the legislative transportation committee, shall seek unanticipated receipts for design and construction of the Mt. St. Helens road.

Sec. 7. Section 16, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State . . . . .	\$	<del>((52,000,000))</del>	<u>57,000,000</u>
Motor Vehicle Fund Appropriation—Federal and Local . . . . .	\$	<del>((478,000,000))</del>	<u>523,000,000</u>
Total Appropriation . . . . .	\$	<del>((530,000,000))</del>	<u>580,000,000</u>

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The appropriation of \$~~((52,000,000))~~ 57,000,000 in state funds includes \$32,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$~~((19,400,000))~~ 24,400,000 in proceeds from the sale of

bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

In the event federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

In the event federal action or inaction precludes conversion of authorized advance construction—interstate projects to federal funding, up to \$20,000,000 of advance construction—interstate bonds authorized by RCW 47.10.790 may be sold to partially fund the federal appropriation. In that case, the department may transfer such amount from the federal appropriation to the state appropriation in this section, without a modification in the total appropriation.

Sec. 8. Section 17, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C**

Motor Vehicle Fund Appropriation—State . . . . .	\$	((137,000,000))	
			<u>143,000,000</u>
Motor Vehicle Fund Appropriation—Local . . . . .	\$	1,000,000	
Total Appropriation . . . . .	\$	((138,000,000))	<u>144,000,000</u>

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$((65,000,000)) 73,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

\$((4,000,000)) 10,000,000 of the motor vehicle fund—state appropriation or so much thereof as is necessary is provided for preconstruction activities on new projects to be selected by the transportation commission. Funding of these activities shall be derived in the following manner: \$4,000,000 shall be funded from underexpenditures in motor vehicle fund—state appropriations in the 1983–1985 biennium ((to the extent they become available)) and \$6,000,000 shall be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801(1)(a): PROVIDED,

That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

Selection of category "C" projects for construction must be within projected available future funding and shall be in order of priority established by chapter 47.05 RCW unless reported in advance to the legislative transportation committee.

Sec. 9. Section 18, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation .....	\$	((28,583,000))
		<u>28,883,000</u>

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

\$2,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other related studies.

Sec. 10. Section 19, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State .....	\$	((1,270,000))
		<u>1,670,000</u>
General Fund—Aeronautics Account Appropriation—Federal .....	\$	((91,000))
		<u>391,000</u>
Total Appropriation .....	\$	((1,361,000))
		<u>2,061,000</u>

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation

contains \$~~(100,000)~~ 150,000 for transfer to the motor vehicle fund as the first of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, cause No. 239168.

\$100,000 of the general fund—aeronautics account—state appropriation is contingent on the enactment of Senate Bill No. 4615, amending chapter 82.36 RCW.

Sec. 11. Section 20, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—  
SEARCH AND RESCUE—PROGRAM F  
General Fund—Search and Rescue Account

Appropriation ..... \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

Sec. 12. Section 21, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGH-  
WAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation ..... \$ ~~(+174,195,000)~~  
177,495,000

The appropriation in this section is for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support. The appropriation includes \$300,000 to be used solely for increased maintenance and other operational activities designed to accommodate additional highway traffic and visitors to the state enroute to the 1986 World Exposition.

Sec. 13. Section 25, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLAN-  
NING, RESEARCH, AND PUBLIC TRANSPORTATION—PRO-  
GRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State ..... \$ 536,000  
General Fund Appropriation—Federal ..... \$ 4,664,000  
General Fund Appropriation—Local ..... \$ 190,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State ..... \$ 3,438,000  
Motor Vehicle Fund Appropriation—Feder-  
al ..... \$ 12,619,000

Total Public Transportation and Planning Appropriation . . . . .	\$ 21,447,000
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The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for studies which support local public transportation programs, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

The department of transportation may transfer up to \$3,600,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section.

Sec. 14. Section 27, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W**

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation . . . . .	\$ 3,958,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation . . . . .	\$ ((46,400,000))
	<u>49,290,000</u>
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation— State . . . . .	\$ ((56,300,000))
	<u>51,700,000</u>
<u>Motor Vehicle Fund Appropriation—State . . . . .</u>	<u>\$ 1,140,000</u>
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation— Federal . . . . .	\$ ((7,300,000))
	<u>2,000,000</u>
Total Appropriation . . . . .	\$ ((13,958,000))
	<u>108,088,000</u>

The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes up to



~~\$(+4,500,000)~~ 16,385,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505. To the extent that revenue collections exceed that amount assumed in this act the transfer authority authorized in this subsection shall be reduced by a like amount. If the elimination of the sales tax on fuel consumed by the marine division is not enacted by July 1, 1986, then the transfer authority authorized in this subsection shall be increased by \$1,005,000.

(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriation of state funds from the Puget Sound capital construction account contains \$20,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out the projects presented to the transportation committees of the senate and house of representatives. The department of transportation shall consult with the legislative transportation committee prior to revising the programming of these projects or adding new projects. The department of transportation shall implement the terminal projects as delineated in 1986 Supplemental Budget Request for Marine Division Capital Construction Program (dated January 16, 1986) as presented to the joint house and senate transportation committees in accordance with state procurement regulations. Should the commission determine it is not feasible to refurbish the ferry "Rhododendron", and with the approval of the legislative transportation committee, the capital appropriation of \$2,500,000 provided for that purpose may be used to purchase a passenger-only vessel, provided that the marine division shall make application for reimbursement from the federal urban mass transportation administration (UMTA) for the cost of the initial vessel and any subsequent vessel purchase.

(5) Savings realized in marine operations as of the end of the fiscal period shall be placed into reserve status and no expenditure shall be made from that reserve without consulting with the legislative transportation committee and obtaining the approval of the office of financial management pursuant to RCW 43.88.110.

(6) ~~((The results of the passenger-only ferry study using leased vessels shall be reported to the legislative transportation committee during the 1986 regular session of the legislature.))~~ Prior to the implementation of any passenger-only project, the department of transportation shall request approval

from the legislative transportation committee. If the project is not implemented, then \$560,000 of the moneys appropriated in this section for that purpose shall not be expended for any other purpose.

(7) The traditional and customary ferry transportation service supported by these appropriations shall receive priority in the implementation of all directives contained in this section. It is the intent of the legislature that the motor vehicle fund appropriation—state of \$1,140,000 contained in this section shall be expended exclusively for the support of costs associated with EXPO '86 services. Any additional costs associated with the EXPO '86 services shall be funded by fare revenue generated from EXPO '86 traffic. The marine division shall provide the legislative transportation committee with a monthly financial report concerning the status of the EXPO '86 services.

(8) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1986, none of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees, as ferry employee is defined in RCW 47.64.011(5), or to effect an increase in insurance benefits for any ferry employee, except as may be required by state or federal law.

(9) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1987, no more than \$1,135,000 of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees or to effect an increase in insurance benefits for ferry employees. The amount determined for base salary increases shall be reduced by the amount by which the ferry system's contribution for employees' and dependents' insurance and health care plans exceeds that provided for other state agencies, as specified in RCW 47.64.270.

(10) After all possible internal management economies have been achieved, if an operating budget deficit still exists, the transportation commission is authorized to request authority from the legislative transportation committee to effect an interfund loan from the motor vehicle fund to the Puget Sound ferry operations account for some or all of the deficit as authorized by the legislative transportation committee: PROVIDED, That any amount loaned to the Puget Sound ferry operations account shall be repaid to the motor vehicle fund from ferry system operating revenues collected in the 1987-89 biennium.

NEW SECTION. Sec. 15. The transportation commission shall provide a detailed analysis of feasible alternatives that will achieve a long-range balance between funding requirements of the marine division's operating and capital programs and funding sources. The commission also shall

identify the alternative that it believes should be implemented and the rationale for its choice. The analysis and the commission's recommended alternative shall be submitted to the legislative transportation committee and the office of financial management no later than September 1, 1986.

If the commission's recommendation includes changes in the funding sources for the marine division, it shall provide an assessment of the impact such changes will have on other state-funded transportation programs.

Sec. 16. Section 43.10.100, chapter 8, Laws of 1965 amended by section 42, chapter 75, Laws of 1977 and RCW 43.10.100 are each amended to read as follows:

The attorney general, by February 1st of each year, shall annually prepare and report to the governor and the legislature a concise statement, in layman's terms, of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper. The attorney general shall include in his report a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefor; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 17. 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 11, 1986.

Passed the House March 11, 1986.

Approved by the Governor April 4, 1986.

Filed in Office of Secretary of State April 4, 1986.