

NEW SECTION. Sec. 21. 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.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

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

"I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 134, entitled:

"AN ACT relating to certifying radiological technologists and nuclear medicine technologists."

This bill provides that "no person may represent himself or herself to the public as a certified radiological technologist without holding a valid certificate to practice" from the state. It authorizes the Department of Licensing to set and collect fees and to designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate. It also authorizes the department to determine whether alternative methods of training are equivalent to formal education, and to allow proof of alternative training to determine the applicant's eligibility to receive a certificate. The bill does not provide for the state to establish any testing or competency test in order for applicants to receive certification.

Section 4 establishes certain exemptions from certification. These exemptions are unnecessary because certification is voluntary and is only required by people who want to represent themselves as certified radiological technologists. The lack of certification does not prohibit someone from practicing in the field of radiological technology. This section further confuses the meaning of the bill by referring to people who are unlicensed in section 4 even though this bill does not provide for a licensing (inability to practice without a certificate) approach.

With the exception of section 4, Engrossed Substitute House Bill No. 134 is approved."

CHAPTER 413

[Engrossed Substitute House Bill No. 1197]

COMMON SCHOOL CAPITAL PROJECTS—CONSTRUCTION COST INDEX— ADDITIONAL STATE PROPERTY TAX FOR SCHOOL CONSTRUCTION

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, 28A.47.805, 84.04.140, 84.52.043, and 84.52.050; adding a new section to chapter 28A.47 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing an effective date.

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

Sec. 1. Section 28A.47.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.060 are each amended to read as follows:

The state board of education shall have the power and it shall be its duty (1) to prescribe rules and regulations governing the administration,

control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities but such rules shall be consistent with and may be subject to ratification under section 5 of this 1987 act; (2) to approve allotments to districts that apply for state assistance in conformance with this chapter whenever the board deems such action advisable and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the state board.

Sec. 2. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of RCW 28A.41.140 and the provisions of RCW 28A.47.800 through 28A.47.811(~~(= PROVIDED, That)~~). In calculating allotments other than for modernization or replacement of facilities, the state board shall not recognize facility needs created solely by the redesignation of facilities' grade level spans during the five years before the proposed allotment, unless the state board finds that these needs cannot feasibly be met through modernization or replacement.

(2) No allotment shall be made to a school district ((for the purpose aforesaid)) until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.47.803, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015(~~(= or such lesser amount as may be required by the state board of education. PROVIDED FURTHER, That)~~).

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the

federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) ~~((The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses. PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education:))~~ The state board of education shall annually adopt a construction cost index which is based upon recent regional trends in these costs. Construction expenditures included in the approved cost of a project shall be limited to seventy-five dollars and ten cents per square foot, adjusted by the percentage change in this construction cost index since July 1, 1986. In addition, as determined by the state board, the approved cost of the project may also include: (a) Costs of necessary equipment; (b) architectural and engineering services; and (c) mandatory tests, inspections, and other reports or studies. Nothing in this section shall be construed as limiting additional expenditures from other sources by school districts for capital projects.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{rcc}
 \text{Computed} & \text{District adjusted} & \text{Total state ad-} \\
 \text{State} & \text{3- valuation per full} & \text{+ justed valuation} \\
 \text{Ratio} & \text{time equivalent} & \text{per full time} \\
 & \text{pupil} & \text{equivalent pupil} \\
 = & \text{-----} & \text{-----} = \% \text{ State} \\
 & \text{District adjusted} & \text{Total state ad-} \\
 & \text{3+ valuation per full} & \text{+ justed valuation} \\
 & \text{time equivalent} & \text{per full time} \\
 & \text{pupil} & \text{equivalent pupil} \\
 & & \text{Assist-} \\
 & & \text{ance}
 \end{array}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of non-resident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) ~~((a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e)))~~ a need for the construction of a school building to provide for improved ~~((school district organization or))~~ racial balance, or ~~((f))~~ (d) facility needs created by school district consolidation or

by the establishment of an interdistrict cooperative program when the state board has found that the interdistrict program will provide opportunities for services that would otherwise not be feasible or would be substantially more expensive when provided by each district individually; or (e) conditions similar to those defined under (a), (b), ~~((c);))~~ or (d) ~~((and (c) hereina-~~
~~bove;))~~ of this subsection creating a like emergency.

Sec. 4. Section 6, chapter 244, Laws of 1969 ex. sess. as amended by section 4, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to ~~((have a school housing emergency requiring an allotment of state funds in excess of the amount allocable))~~ qualify for additional state assistance under RCW 28A.47.803(4), an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the ~~((total))~~ approved cost of the ~~((approved))~~ project ~~((which may include the cost of the site and equipment))~~. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.47 RCW to read as follows:

No rule adopted after January 1, 1987, by the state board of education which impacts on the state funding of common school construction or modernization projects shall be effective until such rule has been expressly ratified by the legislature in a subsequent capital appropriations bill. This section shall apply only to new or revised rules which increase or may potentially increase the number of projects eligible for state assistance or the amount of state assistance for which a district is eligible.

NEW SECTION. Sec. 6. A new section is added to chapter 84.52 RCW to read as follows:

There is hereby levied an additional state property tax for school construction, at a rate of thirty-five cents per thousand dollars of assessed valuation adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue, for collection in each year beginning with calendar year 1988 and ending with calendar year 2002. Ten percent of the proceeds of this levy in calendar years 1988 through 1992

shall be deposited as principal in the permanent common school fund. Forty percent of the proceeds of this levy in calendar years 1993 through 1997 shall be deposited as principal in the permanent common school fund. Ninety percent of the proceeds of this levy in calendar years 1998 through 2002 shall be deposited as principal in the permanent common school fund. Remaining proceeds of this levy shall be deposited in the common school construction fund for financing the construction of facilities for the common schools.

NEW SECTION. Sec. 7. A new section is added to chapter 84.55 RCW to read as follows:

This chapter does not apply to the levy under section 6 of this act.

NEW SECTION. Sec. 8. Sections 6 and 7 of this act apply to taxes levied for collection in 1988, and thereafter.

Sec. 9. Section 13, chapter 288, Laws of 1971 ex. sess. as amended by section 88, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.04.140 are each amended to read as follows:

The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district, or which is imposed under section 6 of this 1987 act.

Sec. 10. Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value: **PROVIDED FURTHER,** That counties of the fifth class and under are hereby authorized to levy from one dollar and eighty cents to two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and five cents per thousand dollars of assessed value: **PROVIDED FURTHER,**

That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: **AND PROVIDED FURTHER**, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Nothing in this section shall prevent the levy under section 6 of this 1987 act.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.

Sec. 11. Section 1, chapter 2, Laws of 1973 as amended by section 1, chapter 194, Laws of 1973 1st ex. sess. and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: **PROVIDED, HOWEVER**, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district, nor prevent the levy under section 6 of this 1987 act. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section.

NEW SECTION. Sec. 12. The department of revenue shall take all steps necessary so that the taxes may be levied in 1987 for collection in 1988.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall take effect December 10, 1987, if the proposed amendments to Article IX, section 3 and Article VII, section 2 of the state Constitution providing funding

for capital purposes for schools (House Joint Resolution No. 4220) are validly submitted to and are approved and ratified by the voters at a general election held in November 1987. If the proposed amendments are not so approved and ratified, sections 1 through 12 of this act shall be null and void in their entirety.

NEW SECTION. Sec. 14. 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.

Passed the House April 26, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

CHAPTER 414

[Engrossed Substitute House Bill No. 88]

PERSONAL SERVICE CONTRACTS

AN ACT Relating to personal service contracts; amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, 39.29.060, and 39.29.070; and declaring an emergency.

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

Sec. 1. Section 1, chapter 61, Laws of 1979 ex. sess. and RCW 39.29-.003 are each amended to read as follows:

It is the intent of this chapter to ~~((provide for a comprehensive legislative review of))~~ establish a policy of open competition for all personal service contracts ((negotiated within)) entered into by state ((government)) agencies, unless specifically exempted under this chapter((, and to centralize executive supervision of these expenditures by the office of financial management)). It is further the intent to provide for legislative and executive review of all personal service contracts negotiated without an open competitive process.

Sec. 2. Section 2, chapter 61, Laws of 1979 ex. sess. as amended by section 1, chapter 263, Laws of 1981 and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) ~~((ⁿPersonal service contractⁿ means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.~~

~~((2) ⁿPersonal serviceⁿ means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of~~