

From the Community College Capital ^{Veto}
Projects Account ^{Message}

Language Research Center (correctly
identified as Learning Resource
Center)
Phase II - Everett Community College \$728,900

Science Building - Edmonds Community College \$4,400,554

My capital budget for community colleges was based upon fully utilizing the unused bonding capacity of the Community College System of \$13.9 million. The amendment by the Legislature to the Tuition and Fee Bill (HB 740) which excluded Vietnam veterans from paying the increase in tuition and fees will further reduce this unused bonding capacity by \$2.6 million. As a result of this amendment, there are not sufficient funds available for those projects initially included in the Capital Budget, let alone the two additional projects added by the Legislature.

For the Legislature to add two more projects, for an additional \$5.1 million may be a popular political approach, but not a responsible method of handling community college facility requirements.

I am certain that the Learning Resource Center at Everett Community College and the Science Building at Edmonds Community College will receive additional consideration by the next session of the legislature, at the same time additional financing is considered.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 277
[House Bill No. 313]
PUBLIC HEALTH--
COUNTY HOSPITALS AND INFIRMARIES--
TUBERCULOSIS HOSPITAL DISTRICT CREATED--
TUBERCULOSIS HOSPITAL FACILITIES

V. AN ACT Relating to the public health; authorizing the creation of
tuberculosis and respiratory disease hospital districts;

implementing the law relating to county hospitals and infirmaries; amending section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270; amending section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010; amending section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050; amending section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060; amending section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090; adding a new section to chapter 36.62 RCW; creating new sections; repealing section 36.62.280, chapter 4, Laws of 1963 and RCW 36.62.280; providing for the levy of certain taxes; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252 are each amended to read as follows:

Every county which maintains a county hospital or infirmary shall establish a "county hospital fund" into which fund shall be deposited all moneys received from any source for hospital or infirmary services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. Obligations incurred from such hospitalization and infirmary care shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners a monthly report of receipts and disbursements in the county hospital fund which report shall also show the balance of cash on hand.

Sec. 2. Section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270 are each amended to read as follows:

In the event that additional funds are needed for the operation of a county hospital or infirmary, the board of county commissioners shall have authority to adopt a supplemental budget. Such supplemental budget shall set forth the amount and sources of funds and the items of expenditure involved. In the adoption of a supplemental budget the board of county commissioners shall follow the same procedure as required under the provisions of RCW 36.40.180.

NEW SECTION. Sec. 3. There is added to chapter 36.62 RCW a new section to read as follows:

Payments from the state department of social and health

services shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1969-1971 state fiscal biennium, each county which received an advance for an infirmary from the department of social and health services for that state fiscal biennium shall return the amount of such advance by county warrant of treasurer's check to the department. At the beginning of the 1971-1973 state fiscal biennium and conditioned upon recovery of the advances made for the previous biennium, the state department of social and health services shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in a county infirmary for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium. No advance shall be made for a county hospital.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months' cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual costs of operation, provided they are essential and necessary to the operation of the infirmary and have been included in the biennial appropriation, shall be made monthly by the state department of social and health services to the counties.

NEW SECTION. Sec. 4. Section 36.62.280, chapter 4, Laws of 1963, and RCW 36.62.280 are each repealed.

NEW SECTION. Sec. 5. The purpose of sections 5 through 14 of this 1971 amendatory act is to authorize and establish a tuberculosis and respiratory disease hospital district in the state to operate a hospital and supply hospital service for the residents of such district and such others as the district shall deem necessary.

NEW SECTION. Sec. 6. There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Eastern district, consisting of the following named counties: Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille; the headquarters county of such district shall be Spokane county. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

NEW SECTION. Sec. 7. The Eastern tuberculosis and respiratory disease hospital district in this state shall be governed by a commission consisting of five members, three of whom shall be members of the legislative authority of the headquarters county to be chosen by and to serve at the pleasure of such legislative authority and two

of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district. If such advisory committee shall fail to fill a vacancy within two weeks, the governor shall fill such vacancy and so notify the commission. Initial members of the commission shall be elected or appointed within ten days of the effective date of sections 5 through 14 of this 1971 amendatory act. Such advisory committee shall counsel the commission with respect to commission powers and duties under sections 5 through 14 of this 1971 amendatory act. Failure of any member to continue in public office shall result in a commission vacancy which shall be filled as in the case of original appointment or election.

NEW SECTION. Sec. 8. The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis and respiratory diseases. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis and respiratory control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

NEW SECTION. Sec. 9. The district commission shall have authority:

(1) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said commission shall have the power to contract with other communities, corporations or individuals for the services provided by said district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(2) To enter into any contract with the United States government, or any state or municipality for carrying out any of the powers authorized in sections 5 through 14 of this 1971 amendatory act;

(3) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the district shall be brought in the

headquarters county of the district; and

(4) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all those things necessary to carry out the purposes of sections 5 through 14 of this 1971 amendatory act.

Commission members shall be reimbursed for reasonable expenses incurred in connection with commission business and meetings, including subsistence and lodging and travel while away from their place of residence. Commission organization and proceedings shall be in accordance with that for public hospital district commissions under RCW 70.44.050.

NEW SECTION. Sec. 10. The commission shall as soon as possible after the effective date of sections 5 through 14 of this 1971 amendatory act enter into those necessary negotiations and agreements to obtain the use of the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

NEW SECTION. Sec. 11. Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. [In

V addition, environmental conditions today make vital the advancement of remedies relating to respiratory diseases.] In order to carry on

V tuberculosis [and respiratory disease] hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, the receipts therefrom to be forwarded by the treasurers of such county to the treasurer of the headquarters district county, who shall be treasurer for the district. The commission shall return a total of thirty-five percent of moneys received from the levy provided under this section to the chief health officers of the counties, other than the headquarters county, which funds are to be allocated to specific counties based on caseload in the counties pursuant to standards promulgated by the district commission. Such returned funds are to be used by the chief health officers to carry out tuberculosis control [and respiratory

V disease treatment] on a local county level. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of

the district commissioners by the treasurer in the same manner as general county obligations are paid.

NEW SECTION. Sec. 12. The district created by section 6 of this 1971 amendatory act shall not participate in any distributions made pursuant to chapter 70.32 RCW on and after the effective date of sections 5 through 14 of this 1971 amendatory act. On and after January 1, 1972 the provisions of chapter 70.32 RCW as now or hereafter amended shall not apply to the eastern district created by section 6 of this 1971 amendatory act.

NEW SECTION. Sec. 13. The department of social and health services shall have the same authority over the hospital of a tuberculosis and respiratory disease hospital district as its authority over any privately administered hospital in this state.

NEW SECTION. Sec. 14. Until January 1, 1972, counties and the state shall continue to pay for the treatment of county patients at Edgecliff in Spokane, Washington, in the same manner as they have during this 1969-1971 fiscal biennium prior to the effective date of sections 5 through 14 of this amendatory act.

NEW SECTION. Sec. 15. The following words and phrases shall have the designated meanings in section 15 through 25 of this 1971 amendatory act unless the context clearly indicated otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Secretary" means the secretary of the department of social and health services or his designee;
- (3) "Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;
- (4) "Tuberculosis control" refers to the procedures administered in the counties for the control and prevention of tuberculosis, but does not include hospitalization.

NEW SECTION. Sec. 16. From and after the effective date of sections 15 through 25 of this 1971 amendatory act, the secretary shall have sole administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to sections 15 through 25 of this 1971 amendatory act. Pursuant to that responsibility, the secretary shall have the following powers and duties:

- (1) To provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;
- (2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to sections 15 through 25 of this

1971 amendatory act.

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of the tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act.

NEW SECTION. Sec. 17. The medical director of any tuberculosis hospital facility operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

NEW SECTION. Sec. 18. In order to maintain adequate tuberculosis hospital facilities for the residents of the state of Washington and to assure their proper care pursuant to sections 15 through 25 of this 1971 amendatory act, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall commencing January 1, 1972, levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth mill against the actual value of the taxable property in the county. Upon collection such sum shall be paid to the state general fund to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act. All other sources of revenue payable for the cost of hospitalization in tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be collected by such tuberculosis hospital facilities and paid into the general fund of the state.

There is hereby appropriated from the state general fund to the department such revenue as is collected and paid over to the general fund resulting from the one-sixteenth mill levy provided for herein, and the collections made by the tuberculosis hospital facilities for the cost of hospitalization. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to sections 15 through 25 of this 1971 amendatory act: PROVIDED, That in the event that the revenues collected under this section exceed the cost of

hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties.

NEW SECTION. Sec. 19. During the period from the effective date of sections 15 through 25 of this 1971 amendatory act to January 1, 1972 each of the respective counties enumerated in section 18 of this 1971 amendatory act will be responsible for the cost of care for hospitalization of patients with tuberculosis from the respective counties, when such patients are unable to pay all or any of the hospitalization costs: PROVIDED, That no county enumerated in section 18 of this 1971 amendatory act shall be liable for payment for such cost of care beyond the amount budgeted and collected in each such county for tuberculosis hospitalization and control as a result of revenue from previous levied tuberculosis taxes or payments in lieu of taxes.

NEW SECTION. Sec. 20. From the effective date of sections 15 through 25 of this 1971 amendatory act in any county enumerated in section 18 of this 1971 amendatory act currently maintaining a tuberculosis hospital facility, the department will assume all assets and liabilities relating to such hospitals and the counties and the department are authorized and directed to take all steps required by law to effect such transfer.

Sec. 21. Section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, ~~((including hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the ~~((board of county commissioners))~~ legislative authority of each county ~~((in the state))~~ enumerated in section 18 of this 1971 amendatory act shall budget and commencing January 1, 1972 shall levy annually a tax in a sum equal to the amount which would be raised by a levy of ~~((one-eighth))~~ one-sixteenth of a mill against the actual value of the taxable property in ~~((the))~~ any county enumerated in section 18 of this 1971 amendatory act, to be used for the control of tuberculosis, including ~~((hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the ~~((state director of health))~~ secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including ~~((hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis within ~~((the))~~ such county, the ~~((board of county commissioners))~~ legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such

unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of ~~((the))~~ such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the ~~((board of commissioners))~~ legislative authority and the ~~((state))~~ department ~~((of health))~~ a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 22. Section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050 are each amended to read as follows:

All arrangements for hospital care, tuberculosis case finding and post hospital public health follow-up of known cases of tuberculosis of any county enumerated in section 18 of this 1971 amendatory act shall be the responsibility of the local health officer and shall be carried out pursuant to rules and regulations adopted by the state board of health.

Sec. 23. Section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060 are each amended to read as follows:

~~((The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to a county hospital or facility shall be upon application to the local health officer;))~~ Medical reports on the condition of ~~((such))~~ all patients shall be submitted to the health department of ((the)) any county ((maintaining)) enumerated in section 18 of this 1971 amendatory act of the patient's ~~((support))~~ residence by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the ~~((state director of health))~~ secretary.

Sec. 24. Section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090 are each amended to read as follows:

In any county enumerated in section 18 of this 1971 amendatory act where the ~~((state director of health))~~ secretary has certified that the proceeds of the ~~((one-half))~~ one-sixteenth mill tax levy is more than adequate to provide for tuberculosis control, including ~~((hospitalization;))~~ case finding, prevention, and follow-up of known cases of tuberculosis in the county, the ~~((board of county~~

commissioners) legislative authority, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the ((one-half)) one-sixteenth mill tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the ((board)) legislative authority in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

NEW SECTION. Sec. 25. On and after January 1, 1972 the provisions of RCW 70.30.010, 70.30.040, 70.30.050, 70.30.080, 70.30.100, 70.32.015, 70.32.021, 70.32.040, 70.32.080 and 70.32.085 shall not apply to any facility operated pursuant to sections 15 through 25 of this 1971 amendatory act. V

NEW SECTION. Sec. 26. This 1971 amendatory 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. V

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

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

"...This bill establishes a hospital district in Eastern Washington to operate a tuberculosis hospital for that area and in Western Washington authorizes operation and control of tuberculosis hospitals in the State Department of Social and Health Services. As passed, the bill establishes a major distinction in types of services available between the hospital district and the rest of the state in that the district can treat respiratory disease as well as tuberculosis. In view of the obvious inequities and legal problems created by this distinction I have vetoed all references to respiratory disease in the bill in order that the concept of establishing necessary and effective treatment of tuberculosis throughout the state may be more equitably implemented.

Veto
Message

Section 18 of the bill purports to transfer certain county millage to the state general fund to be used for tuberculosis hospitalization. Because it was the apparent

and expressed intent of the drafters of this legislation to have the revenue available to the Department of Social and Health Services without further legislative action, all references to the general fund in section 18 are inappropriate and in fact prevent implementation of the legislation.

Veto
Message

For the foregoing reasons, I have vetoed those references in Section 18.

Section 26 of the bill is an emergency clause which would bring about implementation of this legislation immediately. Because there is more than sufficient time to do what is necessary to implement this act without an emergency clause, and because immediate implementation would put a strain on the resources of the state, I have vetoed section 26.

Section 12 of the bill, in part provides that the eastern district will be prohibited from receiving any payments from the local county funds after the effective date of the act. Because section 14 provides that the counties will continue to make payments in the eastern district until January 1, 1972, and because these payments are necessary for the operation of the eastern district, I have vetoed the first sentence of section 12. This resolves the conflict between sections 12 and 14 and preserves the fiscal viability of the legislation.

Section 25 provides that certain laws shall not apply to any facilities operated by the Department of Social and Health Services after January 1, 1972. It was the intent of the drafters to create a complete tuberculosis program under the new enactments, including control programs as well as hospitalization. Because the reference to facilities in section 25 may confuse the application of that section, I have vetoed reference to facilities. This veto does not change the substance of the section but clarifies the legislative intent to create a new and complete program and substitute it for the previous one.

In section 18 provision is made for utilization of income to the hospital facility. However, there is non-hospitalization related income for which no provision was made. Because it is necessary to utilize all income

available to the facility, and because there is language in section 18 which limits its utilization, I have vetoed that language which is so limiting. This veto allows the facility effectively to utilize all available income, and is in keeping with the intent of the drafters.

Veto
Message

Section 23 requiring tuberculosis hospitals to report to the county of the patient's residence his medical condition, is limited to counties outside the eastern district. Since this information is equally important to all counties whether or not within the eastern district, I have vetoed that language limiting the applicability of that section in order that all counties shall receive reports on the condition of patients who are residents of their counties.

In section 18 and section 24 provision is made for counties to levy taxes and language is included which would have the levy commence January 1, 1972. Because this would postpone realization of that income until the first quarter of 1973, I have vetoed that language establishing January 1, 1972 as the commencement date of the levy. This veto allows realization of the levy income in the first quarter of 1972 as was intended by the legislature.

Section 8 of the bill establishes the superintendent of the eastern district hospital as the tuberculosis control officer for the district. I question the wisdom of the provision because tuberculosis control outside of a hospital is appropriately and has successfully been a local county function. However, the legislature, in setting up a program for tuberculosis control and treatment, determined that this structure is appropriate for the eastern district. Therefore, although with some misgivings, I have determined not to veto that language making the superintendent of the eastern district hospital the tuberculosis control officer for the district."

CHAPTER 278

[Engrossed House Bill No. 373]

WASHINGTON STATE PATROL--
RETIREMENT PENSIONS

AN ACT Relating to retirement pensions; and amending section