

Section 7 provides an expiration date for the act of June 30, 1978. Few would disagree that this state must soon decide and act on long range solutions to the problems created by the transportation of oil in massive quantities in Puget Sound waters. By passing this bill, the Legislature has decided that at least in the near future, oil tankers exceeding 125,000 deadweight tons should not be permitted to enter these waters. The study provided in section 5 may well offer some additional alternatives. The expiration date, however, rather than encouraging all parties to develop sound long range solutions, would instead discourage such efforts. This state could, conceivably, find itself in the second half of 1978 faced with unprecedented super-tanker traffic in Puget Sound waters with all the attendant hazards but without any capability to prevent or reduce the risks of oil spills likely to produce catastrophic and permanent damage to the unique environment of the area. The expiration date would also leave the oil industry and others affected in an untenable state of uncertainty over permissible and impermissible activities in the transportation of oil into this area. Neither public nor private interests would be benefited by such uncertainty.

For the foregoing reasons, I have determined to veto sections 4 and 7 of the bill. With the exception of those sections, the remainder of the bill is approved."

CHAPTER 126

[Engrossed Substitute Senate Bill No. 2133]

ACTIONS ARISING FROM ACTS OR OMISSIONS OF STATE PERSONNEL

AN ACT Relating to actions against the state, its officers, employees and agents; amending section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070; amending section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130; amending section 8, chapter 159, Laws of 1963 and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 and RCW 4.92.150; amending section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170; and declaring an emergency.

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

Section 1. Section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, or employee (~~for the performance of any official act~~), arising from his acts or omissions while performing, or in good faith purporting to perform, his official duties, such officer or employee may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 2. Section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer or employee's (~~acted in good faith and without negligence~~;) acts or omissions were, or purported to be in good faith, within the scope of his official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which

such officer or employee is attached. In such cases the attorney general shall appear and defend such officer or employee, who shall assist and cooperate in the defense of such suit.

Sec. 3. Section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130 are each amended to read as follows:

A tort claims revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct and against its officers and employees for whom the defense of the claim was authorized under section 2 of this 1975 amendatory act. No money shall be paid from the tort claims revolving fund unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with RCW 4.92-.140 as herein or hereafter amended.

Sec. 4. Section 8, chapter 159, Laws of 1963 and RCW 4.92.140 are each amended to read as follows:

The head or governing body of any agency or department of state government, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle any claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. for which the state of Washington or any of its officers or employees would be liable in law for money damages of ((five)) twenty-five hundred dollars or less. The acceptance by the claimant of any such award, compromise or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington or its affected officer or employee. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit or constitute an admission against interest of either the claimant or the state.

Sec. 5. Section 9, chapter 159, Laws of 1963 and RCW 4.92.150 are each amended to read as follows:

After commencement of an action in ((superior court)) a court of competent jurisdiction upon a claim against the state, or any of its officers or employees arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer or employee.

Sec. 6. Section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 7. Section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 as herein or hereafter amended without further or additional appropriation: **PROVIDED**, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state,

whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 8. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate May 23, 1975.
Passed the House May 22, 1975.
Approved by the Governor May 31, 1975.
Filed in Office of Secretary of State May 31, 1975.

CHAPTER 127
[Engrossed Senate Bill No. 2169]
SCHOOL DISTRICT LIBRARY AND MEDIA SERVICES—
LEARNING RESOURCES CENTERS

AN ACT Relating to education; providing for the adoption and implementation of standards for integrating school library and media services; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.03 and 28A.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

By January 1, 1976 the state board of education shall adopt rules or regulations establishing minimum standards for integrating school district library and media services into learning resources centers in order to improve instruction, encourage programs of learning resources services, and to furnish a basis for continuing evaluation for such programs.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

After the adoption of the standards pursuant to section 1 of this act, the superintendent of public instruction shall survey, utilizing personnel within his department and not outside consultants, all school districts in the state to determine which districts maintain adequate learning resources services under such standards and the cost necessary to maintain such standards and, with respect to those districts not maintaining such minimum standard services, the cost necessary to