

of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the Federal Water Pollution Control Act.

***The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).**

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

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 25, 1979, with the exception of the last two sentences of Subsection (3) of Section 1 which are vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith without my approval as to the two last sentences in Subsection (3) Section 1 of House Bill 433 entitled:

"AN ACT Relating to water pollution control; amending section 24, Chapter 13, Laws of 1967 as amended by section 4, Chapter 155, Laws of 1973 and RCW 90.48.260."

House Bill 433 was and is for the single purpose of authorizing the department of ecology to participate in the Federal Water Pollution Control Act as "amended"; this single word, plus an added "or her" in line 23, is all that was deemed necessary to allow the state to carry out the dictates of the federal law. The addition of your two sentences:

"The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).",

do nothing to further this authorization and in fact involves an entirely different subject. The inclusion of these sentences may also be construed to amend a separate law by reference, clearly which is prohibited by the state's constitution.

I veto this part not because I'm not in sympathy with the legislature in what your intentions were but simply because I feel these provisions introduce separate subjects that are inconsistent with the purpose of the bill and that if allowed to become law will surely lead to much misinterpretation and possible litigation.

With the exception of the last two sentences of Subsection (3) of Section 1, which I have vetoed, the remainder of House Bill 433 is approved."

CHAPTER 268

[Second Substitute House Bill No. 527]

EMERGENCY SERVICES—SEARCH AND RESCUE ACTIVITIES

AN ACT Relating to emergency services; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.020; amending section 17, chapter 223, Laws of 1953 as last amended by section 35, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.330; adding new sections to chapter 38.52 RCW; and making an appropriation.

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

Section 1. Section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage, and to aid victims suffering from damage, resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes, and to provide support for search and rescue operations for persons and property in distress. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

(2) "Local organization for emergency services" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency services functions.

(3) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for emergency services in stricken areas.

(4) "Political subdivision" means any county, city or town.

(5) "Emergency services worker" means any person who is registered with a state or local emergency services organization and holds an identification card issued by the state or local emergency services director for the purpose of engaging in authorized emergency services or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency services.

(6) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency services.

(7) "Disaster" as used in this chapter shall mean events, arising out of either enemy attack, sabotage, or other hostile action, or natural causes,

which reach such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(8) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47-.68 RCW.

Sec. 2. Section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.020 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure adequate support for search and rescue operations, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state department of emergency services, and to authorize the creation of local organizations for emergency services in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency services functions; ~~((and))~~

(d) To provide a means of compensating emergency services workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency services; and

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency services functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the

nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. Section 17, chapter 223, Laws of 1953 as last amended by section 35, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.330 are each amended to read as follows:

The department of emergency services is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as emergency services workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board(~~(:PROVIDED, That)~~). When medical treatment is necessary, the department of emergency services is authorized to make medical and compensation payments on an interim basis. Nothing herein shall be construed to mean that the department of emergency services or the state emergency services council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any emergency services worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in chapter 51.32 RCW as amended by this 1971 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 38.52 RCW a new section to read as follows:

(1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. The local emergency services director shall notify the state department of emergency services of all search and rescue missions. The local director of emergency services shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency services search and rescue workers for employee status under RCW 38.52.060. The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.08 RCW.

NEW SECTION. Sec. 5. There is added to chapter 38.52 RCW a new section to read as follows:

Funds received by the department of emergency services specifically for the purposes of compensating search and rescue volunteers shall be distributed by the director of emergency services to help fund medical and compensation coverage provided by this chapter and provide reimbursement by the state for: (1) Costs involved in extraordinary search and rescue operations such as search and rescue operations lasting over twenty-four hours where food and lodging for workers is necessary; (2) excessive transportation and rescue costs incurred by out-of-county residents which would not be otherwise collectible; and (3) compensation as provided in RCW 38.52.020(1)(d) as now or hereafter amended.

NEW SECTION. Sec. 6. To carry out the purposes of this 1979 act, there is appropriated from the general fund to the department of emergency services the sum of fifty-five thousand dollars. In any fiscal year, the director of emergency services shall not give any of the funds appropriated in this section to any political subdivision which has reduced its operating budget expenditures for search and rescue operations to less than the amount budgeted and expended for the same purpose in the preceding fiscal year.

Passed the House June 1, 1979.

Passed the Senate May 30, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 269

[House Bill No. 845]

INSURANCE AGENTS—LICENSES—BROKERS. BOND

AN ACT Relating to insurance; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 182, Laws of 1977 ex. sess. and RCW 48.14.010; amending section .17.16, chapter 79, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1967 and RCW 48.17.160; amending section .17.17, chapter 79, Laws of 1947 and RCW 48.17.170; amending section .17.18, chapter 79, Laws of 1947 and RCW 48.17.180; amending section .17.20, chapter 79, Laws of 1947 as amended by section 14, chapter 303, Laws of 1955 and RCW 48.17.200; amending section .17.50, chapter 79, Laws of 1947 as last amended by section 6, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.500; amending section .17.15, chapter 79, Laws of 1947 as last amended by section 47, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.150; amending section 17.25, chapter 79, Laws of 1947 and RCW 48.17.250; repealing section .17.40, chapter 79, Laws of 1947 and RCW 48.17.400; and providing an effective date.

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

Section 1. Section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 182, Laws of 1977 ex. sess. and RCW 48.14.010 are each amended to read as follows:

(1) The commissioner shall collect in advance the following fees: