

biennium ending June 30, 1983, the sum of \$3,166,000 or so much thereof as may be necessary for the operations and expenses of the office of administrative hearings.

NEW SECTION. Sec. 16. This act shall take effect July 1, 1982.

Passed the House March 9, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 190

[House Bill No. 1072]

STATE-EMPLOYED CHAPLAINS—SALARY

AN ACT Relating to public employment; adding a new section to chapter 41.04 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 41.04 RCW a new section to read as follows:

In the case of a minister or other clergyperson employed as a chaplain in a state institution or agency, there is designated in the salary or wage paid to the person an amount up to forty percent of the gross salary as either of the following:

(1) The rental value of a home furnished to the person as part of the person's compensation; or

(2) The housing/rental allowance paid to the person as part of the person's compensation, to the extent used by the person to rent or provide a home.

NEW SECTION. Sec. 2. 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 House February 24, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 191

[Substitute House Bill No. 849]

SCHOOL DISTRICTS—FORMATION, CONSOLIDATION—POWERS

AN ACT Relating to the authority of certain educational agencies; amending section 28A.57-.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 91, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.170; amending section 5, chapter 176, Laws

of 1974 ex. sess. and RCW 28A.58.055; amending section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A.58.131; amending section 4, chapter 115, Laws of 1980 as amended by section 4, chapter 250, Laws of 1981 and RCW 28A.58.035; amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430; amending section 2, chapter 250, Laws of 1981 and RCW 28A.58.441; amending section 28A.59.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.180; amending section 28A.59.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.185; creating new sections; adding new sections to chapter 51.14 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an effective date.

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

Section 1. Section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 91, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the educational service district superintendent, as secretary of the county committee, (~~signed either~~) by (~~ten registered voters or by a majority of the~~) registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. Ten or more registered voters may sign and present such petition with the approval of the boards of directors of the affected school districts. Ten percent or more of the registered voters may sign and present such petition with or without the approval of the boards of directors of the affected school districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof will be considered during a school fiscal year.

Sec. 2. Section 5, chapter 176, Laws of 1974 ex. sess. and RCW 28A.58.055 are each amended to read as follows:

The state board of education and superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities by the school district. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the school district. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art for each such project, and payments therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art shall be the responsibility

of the Washington state arts commission in consultation with the superintendent of public instruction and the school district board of directors; PROVIDED, That the school district board of directors shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises.

Waiver or rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected or funds waived under this section shall be applied to the provision of works of art under chapter 43.17, 43.19, 28B.10 and 28A.58 RCW, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect, and Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses or other buildings of a temporary nature.

Sec. 3. Section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A-.58.131 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers and other equipment; ~~((and))~~

(2) To have maintained and repaired security systems, computers and other equipment; and

(3) To provide pupil transportation services.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting for the ensuing term will not exceed the projected cost of operating its own pupil transportation for the same term.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.65.465 and 28A.21.135, as now or hereafter amended.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.58.100 and 28A.67.070, as now or hereafter amended.

Sec. 4. Section 4, chapter 115, Laws of 1980 as amended by section 4, chapter 250, Laws of 1981 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's building reserve fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

Sec. 5. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 ((or)), 28A.58.440, or 36.29.020, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to

an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended.

Sec. 6. Section 2, chapter 250, Laws of 1981 and RCW 28A.58.441 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A building reserve fund shall be established. Money to be deposited into the building reserve fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.58.035, and proceeds from the sale of real property as authorized by RCW 28A.58.0461.

Money legally deposited into the building reserve fund may be used for:

(a) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(b) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(c) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with building reserve fund money.

(d) Transfer to the building and capital projects fund.

(3) A building and capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the building and capital projects fund so established. Money to be deposited into the building and capital projects fund shall include but not be limited to bond proceeds, proceeds from excess levies authorized by RCW 84.52-.053, state apportionment proceeds as authorized by RCW 28A.41.143, earnings from building fund investments as authorized by RCW 28A.58.435 and 28A.58.440, and transfers from the building reserve fund.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51.010, except that accrued interest paid for bonds shall be deposited in the bond interest and redemption fund.

Money legally deposited into the building and capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical and the substantial replacement of equipment and furniture in a structure or portion of a structure being converted from one use to another use, and no other appropriate and usable equipment or furniture is available within the district's inventory. Major renovation and replacement shall include but shall not be limited to roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

NEW SECTION. Sec. 7. There is added to chapter 51.14 RCW a new section to read as follows:

The boards of directors of school districts or educational service districts may enter into agreements to form self-insurance groups for educational agencies. Such self-insurance groups shall be organized and operated under rules promulgated by the director under section 8 of this amendatory act. Such a self-insurance group shall be deemed an employer for the purposes of this chapter, and may qualify as a self-insurer if it meets all the other requirements of this chapter.

NEW SECTION. Sec. 8. There is added to chapter 51.14 RCW a new section to read as follows:

The director shall promulgate rules to carry out the purposes of section 7 of this amendatory act:

(1) Governing the formation of self-insurance groups for educational agencies.

(2) Governing the organization and operation of the groups to assure their compliance with the requirements of this chapter.

(3) Requiring adequate monetary reserves, determined under accepted actuarial practices, to be maintained by each group to assure financial solvency of the group.

(4) Requiring each group to carry adequate reinsurance.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

The board of directors of any educational service district is authorized to enter into agreements with the board of directors of any local school district and/or other educational service districts to form a self-insurance

group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Any school district board of directors is authorized to enter into agreements with the board of directors of other school districts and/or educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW.

Sec. 11. Section 28A.59.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.180 are each amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in chapter 28A.58 RCW or elsewhere in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school, when so ordered by a vote of the electors; or if the free textbooks are

not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

(10) To require of the officers or employees of the district to give a bond for the ~~((faithful discharge))~~ honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

Sec. 12. Section 28A.59.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.185 are each amended to read as follows:

School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain a permanent insurance fund for said districts, to be used to meet losses ~~((by fire, if any, of said))~~ specified by the board of directors of the school districts.

Funds required for maintenance of such a permanent insurance fund shall be budgeted and allowed as are other funds required for the support of the school district.

The county treasurer or other custodian of such fund, when authorized to do so by the board of directors of any school district, may invest any accumulated moneys in such permanent insurance fund in like manner as for the investment or reinvestment of other school funds as provided in RCW 28A.58.440.

NEW SECTION. Sec. 13. The effective date of sections 3 and 4 of this amendatory act shall be September 1, 1982.

NEW SECTION. Sec. 14. If any provision of this amendatory 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 March 9, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 192

[Substitute House Bill No. 874]

CRIMINAL OFFENDERS—SENTENCING

AN ACT Relating to sentencing; amending section 3, chapter 137, Laws of 1981 and RCW 9.94A.030; amending section 4, chapter 137, Laws of 1981 and RCW 9.94A.040; amending section 5, chapter 137, Laws of 1981 and RCW 9.94A.050; amending section 12, chapter 137, Laws of 1981 and RCW 9.94A.120; amending section 14, chapter 137, Laws of 1981 and RCW 9.94A.140; amending section 15, chapter 137, Laws of 1981 and RCW 9.94A.150; amending section 21, chapter 137, Laws of 1981 and RCW 9.94A.210; amending section 24, chapter 137, Laws of 1981 and RCW 9.95.009; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 37, chapter 137, Laws of 1981 and RCW 9A.20.020; reenacting section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 57, chapter 136, Laws of 1981 and by section 36, chapter 137, Laws of 1981 and RCW 9A.44.040; adding a new section to chapter 9A.20 RCW; adding a new section to chapter 9A.44 RCW; and declaring an emergency.

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

Section 1. Section 3, chapter 137, Laws of 1981 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(~~((4))~~) (5).

(~~((3))~~) (4) "Confinement" means total or partial confinement as defined in this section.

(~~((4))~~) (5) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(~~((5))~~) (6) "Crime-related prohibition" means an order of a court prohibiting conduct which directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.