

(1) A description of the inpatient hospital rate structure planned to meet the requirement of section 2 of this 1985 act;

(2) A plan for improved health care cost containment in the industrial insurance program to meet the director's duty to function as a prudent purchaser of health care under section 2 of this 1985 act;

(3) An estimate of the amount of the appropriation from the medical aid fund that will be needed to meet the requirements of chapter 51.44 RCW during the fiscal biennium beginning July 1, 1987, and ending June 30, 1989;

(4) Any proposals for legislative action the director deems appropriate to further the goal of prudent purchase of health care without unduly restricting access to necessary care by covered workers; and

(5) Such other information as the director deems appropriate.

***NEW SECTION.** Sec. 7. Sections 2 , 3, 4, and 5 of this act shall take effect July 1, 1987.

*Sec. 7 was partially vetoed, see message at end of chapter.

Passed the Senate April 28, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

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

"I am returning herewith without my approval as to Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354, entitled:

"AN ACT Relating to the medical aid fund;"

These sections of the bill would require expenditures from the Medical Aid Fund to be subject to appropriation. While this has been a very troubled program in the past, I have appointed new management which is actively undertaking management improvements. The need for control of health care costs is to run the workers' compensation program like the insurance business that it is. To do this, management needs the flexibility to adequately direct the program. For these reasons, I have vetoed Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7.

With the exception of Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354 is approved."

CHAPTER 369

[Substitute Senate Bill No. 3356]

COUNTY ROADS

AN ACT Relating to county roads; amending RCW 36.32.250, 36.75.300, 36.77.030, 36.87.020, 36.87.060, 36.87.070, 36.88.010, and 36.88.090; adding a new section to chapter 36.82 RCW; and adding a new section to chapter 36.88 RCW.

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

Sec. 1. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 267, Laws of 1977 ex. sess. and RCW 36.32.250 are each amended to read as follows:

No contract, lease, or purchase ~~((shall))~~ may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county ~~((legislative authority))~~ upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the ~~((date))~~ time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at ~~((a meeting of the county legislative authority on the date))~~ the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid ~~((shall))~~ may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder~~((:))~~, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. ~~((Should))~~ If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the

successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than three thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone ((and/or)) or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

Sec. 2. Section 1, chapter 45, Laws of 1980 and RCW 36.75.300 are each amended to read as follows:

The legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with signs indicating that it is a primitive road, as provided in the manual of uniform traffic control devices, at all places where the primitive road portion begins or connects with a highway other than another primitive road. No design or signing or maintenance standards or requirements, other than the requirement that warning signs be placed as provided in this section, ~~((shall be applicable))~~ apply to primitive roads.

The design of a primitive road, and the location, placing, or failing to place road signs, other than the requirement that warning signs be placed as provided in this section, shall not be considered in any action for damages brought against a county, or against a county employee or county employees, or both, arising from vehicular traffic on the primitive road.

Sec. 3. Section 36.77.030, chapter 4, Laws of 1963 and RCW 36.77-.030 are each amended to read as follows:

At the time and place fixed in the call for bids (~~((the board shall proceed to publicly open and read))~~), such bids as have been submitted (~~(, in the board room at the county seat)~~) shall be publicly opened and read. No bid (~~((shall))~~) may be considered unless it is accompanied by a bid deposit in the form of a surety bond, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

Sec. 4. Section 36.87.020, chapter 4, Laws of 1967 and RCW 36.87-.020 are each amended to read as follows:

Ten freeholders residing in the vicinity of any county road or portion thereof may petition the (~~((board))~~) county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The (~~((petition must be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of the county the amount of all cost and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon))~~) legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses.

Sec. 5. Section 36.87.060, chapter 4, Laws of 1963 and RCW 36.87-.060 are each amended to read as follows:

(1) On the day fixed for the hearing, the ((board)) county legislative authority shall proceed to consider the report of the engineer, together with any evidence for or objection against such vacation and abandonment. If the county road is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefited by the vacation, the ((board)) county legislative authority may vacate the road or any portion thereof. Its decision shall be entered in the minutes of the hearing.

(2) As an alternative, the county legislative authority may appoint a hearing officer to conduct a public hearing to consider the report of the engineer and to take testimony and evidence relating to the proposed vacation. Following the hearing, the hearing officer shall prepare a record of the proceedings and a recommendation to the county legislative authority concerning the proposed vacation. Their decision shall be made at a regular or special public meeting of the county legislative authority.

Sec. 6. Section 36.87.070, chapter 4, Laws of 1963 and RCW 36.87-.070 are each amended to read as follows:

If the ~~((board determines to vacate the road))~~ county legislative authority has required the petitioners to make a cash deposit or furnish a bond, upon completion of the hearing, it shall certify all costs and expenses incurred in the proceedings to the county treasurer and ~~((upon payment of the certified costs and expenses by the principal or principals or sureties upon the bond the board shall declare the road, or portion thereof, vacated and enter its declaration in its minutes))~~, regardless of its final decision, the county legislative authority shall recover all such costs and expenses from the bond or cash deposit and release any balance to the petitioners.

Sec. 7. Section 36.88.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 60, Laws of 1965 and RCW 36.88.010 are each amended to read as follows:

All counties ~~((shall))~~ have the power to create county road improvement districts for the acquisition of rights of way and improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and, with the approval of the state department of transportation, state highways; for the construction or improvement of necessary drainage facilities, bulkheads, retaining walls, and other appurtenances therefor, bridges, culverts, sidewalks, curbs and gutters, escalators, or moving sidewalks; and for the draining or filling of drainage potholes or swamps~~((, and said))~~. Such counties ~~((shall))~~ have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such acquisition of rights of way, construction, or improvement.

Sec. 8. Section 36.88.090, chapter 4, Laws of 1963 as amended by section 1, chapter 62, Laws of 1972 ex. sess. and RCW 36.88.090 are each amended to read as follows:

Whenever the assessment roll for any county road improvement district ~~((shall have))~~ has been prepared, such roll shall be filed with the clerk of the ~~((board))~~ county legislative authority. The ~~((board))~~ county legislative authority shall thereupon by resolution set the date for hearing upon such roll before ~~((the))~~ a board of equalization and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with ~~((such))~~ the clerk of the county legislative authority at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, ~~the~~ ~~((board))~~ county legislative authority will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll or any part

thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county (~~((if the newspaper is published weekly, but shall be published at least five times in such newspaper if said newspaper is published daily)).~~ At least fifteen days must elapse between the date of ~~((last))~~ the first publication ~~((thereof))~~ of the notice and the date fixed for such hearing~~((: PROVIDED, That)).~~ However, mosquito control districts ~~((shall))~~ are only ~~((be))~~ required to give notice by publication. ~~((The time and place of hearing under such assessment roll shall be published in two consecutive issues of a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published in at least five consecutive issues of such newspaper if said newspaper is published daily. At least fifteen days must elapse between the date of last publication thereof and the date fixed for such hearing.))~~

The board of equalization, at the time fixed for hearing objections to the confirmation of ~~((said))~~ the roll, or at such time or times as ~~((said))~~ the hearing may be adjourned to, ~~((shall have))~~ has power to correct, revise, raise, lower, change, or modify ~~((such))~~ the roll or any part thereof, and to set aside ~~((such))~~ the roll in order that ~~((such))~~ the assessment be made de novo as to the board ~~((shall))~~ appear equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner ~~((herein))~~ described in this section shall be conclusively presumed to have been waived.

Whenever any such roll ~~((shall be))~~ is amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason, a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing ~~((and))~~. At the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property ~~((shall have))~~ has been entered originally on such roll, and the assessment upon such property shall not be raised, no objections ~~((thereto shall))~~ to it may be considered by the board or by any court on appeal, unless such objections ~~((be))~~ are made in writing at or prior to the date fixed for the original hearing upon such roll.

NEW SECTION. Sec. 9. A new section is added to chapter 36.82 RCW to read as follows:

Whenever a county legislative authority enters into a cooperative agreement with a conservation district as provided in chapter 89.08 RCW, the agreement may specify that the county will participate in the cost of any project which can be anticipated to result in a substantial reduction of the amount of soil deposited in a specifically described roadside ditch normally maintained by the county. The amount of participation by the county through the county road fund shall not exceed fifty percent of the project cost and shall be limited to those engineering and construction costs incurred during the initial construction or reconstruction of the project.

NEW SECTION. Sec. 10. A new section is added to chapter 36.88 RCW to read as follows:

If the county legislative authority desires to initiate the formation of a county road improvement district by resolution, it may elect to follow either the procedure set forth in chapter 35.43 RCW or the procedure set forth in RCW 36.88.030, and shall indicate the procedure selected in the resolution of intention.

Passed the Senate April 23, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 370

[Engrossed Substitute Senate Bill No. 3376]

HIGHER EDUCATION COORDINATING BOARD

AN ACT Relating to governance in higher education; amending RCW 28B.80.110, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.200, 28B.80.210, 28B.80.230, 28B.80.240, 28B.80.250, 28B.80.260, 28B.80.270, 28B.80.280, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.05.030, 28B.05.050, 28B.05.130, 28B.07.020, 28B.07.030, 28B.07.040, 28B.10.020, 28B.10.215, 28B.10.220, 28B.10.650, 28B.10.790, 28B.10.792, 28B.10.802, 28B.10.840, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.543, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.736, 28B.15.750, 28B.15.752, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.760, 28B.15.762, 28B.15.764, 28B.20.280, 28B.30.500, 28B.35.205, 28B.40.206, 28B.65.040, 28B.65.050, 28B.65.060, 28C.04.040, 28C.04.510, 28B.10.050, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.140; amending section 6, chapter 166, Laws of 1983 (uncodified); adding new sections to chapter 28B.80 RCW; adding new sections to Title 28B RCW; creating new sections; repealing RCW 28B.40.240, 28B.40.244, 28B.10.045, 28B.10.052, 28B.80.010, 28B.80.020, 28B.80.030, 28B.80.035, 28B.80.040, 28B.80.050, 28B.80.060, 28B.80.070, 28B.80.080, 28B.80.090, 28B.80.120, 28B.80.220, 28B.80.900, 43.131.259, and 43.131.260; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is hereby created the Washington higher education coordinating board.