

and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW 28A.58.095 or chapter 41.32 RCW.

**NEW SECTION.** Sec. 3. If specific funding for the purposes of section 1 of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, section 1 of this act shall be null and void. Section 1 of this act shall be of no effect unless such specific funding is so provided. If such funding is so provided, section 1 of this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 27, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985.

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

## CHAPTER 400

[Substitute House Bill No. 187]

### STATE HIGHWAYS—IMPROVEMENTS BY COUNTIES OR SERVICE DISTRICTS

AN ACT Relating to state-authorized improvements to state highways by counties and service districts; amending RCW 36.83.010 and 36.88.010; adding a new section to chapter 36.75 RCW; and adding a new section to chapter 47.05 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 36.75 RCW to read as follows:

A county pursuant to chapter 36.88 RCW, or a service district as provided for in chapter 36.83 RCW, may, with the approval of the state department of transportation, improve or fund the improvement of any state highway within its boundaries. The county may fund improvements under this section by any means authorized by law, but may not make any expenditure for the purposes of this section from a county road fund under chapter 36.82 RCW. Nothing in this section shall limit the authority of a county to fund cooperative improvement and maintenance agreements with the department of transportation, authorized by RCW 36.75.030 or 47.28.140.

Sec. 2. Section 1, chapter 130, Laws of 1983 and RCW 36.83.010 are each amended to read as follows:

The legislative authority of a county may establish one or more service districts within the county for the purpose of providing and funding capital and maintenance costs for any bridge or road improvement or for providing

and funding capital costs for any state highway improvement a county or a road district has the authority to provide. A service district may not include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. A service district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A service district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued. All projects constructed by a service district pursuant to the provisions of this chapter shall be competitively bid and contracted.

The county legislative authority shall be the governing body of a service district. The county treasurer shall act as the ex officio treasurer of the service district. The electors of a service district are all registered voters residing within the district.

Sec. 3. 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.

**\*NEW SECTION.** Sec. 4. A new section is added to chapter 47.05 RCW to read as follows:

***In developing the six-year program and financial plan for highways, the department may not eliminate, delay, or reduce the scale of a project which otherwise would be included in the program in order to coerce or encourage a county or a service district acting under section 1 of this act to participate in funding a portion of an improvement. However, the department may delay a highway improvement at the request of a county or service district to enable***

the county or district to develop local funding necessary to pay for additional highway improvements over and above those planned by the department so that the highway improvements may be done at the same time.

\*Sec. 4 was partially vetoed, see message at end of chapter.

Passed the House April 22, 1985.

Passed the Senate April 18, 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 a portion of Section 4, Substitute House Bill No. 187, entitled:

"AN ACT Relating to state-authorized improvements to state highways by counties and service districts;"

Language in Section 4 prohibits the Department of Transportation (DOT) from eliminating, delaying, or reducing the scale of a project that would otherwise be a part of the six-year highway plan in order to coerce a county or service district to participate in funding. Although I support the legislatures intent with this language in Section 4, I am concerned that it could place DOT in the difficult position of proving a lack of malice whenever the department eliminated, delayed or reduced the scale of a project for good cause. This would disrupt the systematic planning process and might invite litigation over routine decisions of the agency. For these reasons I have vetoed a portion of Section 4.

With the exception of a portion of Section 4, Substitute House Bill No. 187 is approved."

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## CHAPTER 401

[Substitute House Bill No. 46]

### RESTRAINTS OF TRADE—UNFAIR AND DECEPTIVE BUSINESS PRACTICES—INTENT CLARIFIED

AN ACT Relating to antitrust and unfair and deceptive business practices; and amending RCW 19.86.920.

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

Sec. 1. Section 20, chapter 216, Laws of 1961 as last amended by section 4, chapter 288, Laws of 1983 and RCW 19.86.920 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by final decisions of the federal courts and final orders of the federal trade commission interpreting the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the