

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1985.

Note: Governor's explanation of partial vetoes as follows:

"I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3069, entitled:

"AN ACT Relating to professional service corporations;"

Section 1 of Substitute Senate Bill No. 3069 permits non-profit corporations practicing in one of the professions otherwise regulated by Title 18 of the Revised Code of Washington to employ individuals or groups incorporated under Title 18. This provision is unnecessary to the central purpose of this measure which is to permit organizations currently organized under Title 18 to organize under the non-profit corporation provisions of Title 24.

The inclusion of this provision raises significant questions about the relationships of for-profit enterprise with non-profit corporations. There is no current bar to a non-profit corporation contracting with a Title 18 professional services corporation as long as an arms length relationship is maintained. Section 1 of Substitute Senate Bill No. 3069 is therefore unnecessary unless some change in existing policy is intended. I believe that any provision which implies less stringent standards than those in the current law governing the relationship of non-profit entities to for-profit enterprise is unwise. I have therefore vetoed Section 1.

With the exception of Section 1, which I have vetoed, Substitute Senate Bill No. 3069 is approved."

CHAPTER 432

[Substitute Senate Bill No. 4267]

ABANDONED RAIL RIGHTS OF WAY—DEPARTMENT OF TRANSPORTATION DUTIES

AN ACT Relating to abandoned rail rights of way; amending RCW 47.76.020 and 47.76.030; and adding new sections to chapter 47.76 RCW.

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

Sec. 1. Section 5, chapter 303, Laws of 1983 and RCW 47.76.020 are each amended to read as follows:

(1) The department of transportation (~~(commission)~~) shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail service. The plan shall:

(a) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

(b) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned and the acquisition of right of way for the eventual restoration of service on lines recently abandoned; and

(c) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment on changes in energy utilization and air pollution.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal railroad revitalization and regulatory reform act.

Sec. 2. Section 6, chapter 303, Laws of 1983 and RCW 47.76.030 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state general fund. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys in the account may be distributed to county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; or

(b) Operating railroad equipment necessary to maintain essential rail service.

(3) Moneys in the account may be distributed to the department to purchase unused rail right of way that meets the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to RCW 47.76.020;

(b) The right of way has been abandoned and is available for acquisition;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service in the future would benefit the state of Washington.

The department may exercise its authority to use moneys in the account for the purposes of this subsection only with legislative appropriation for this purpose or upon receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in section 3 of this 1985 act. Nothing in this section shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) County rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

~~((4))~~ (5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the county, port district, or other local sources.

~~((5))~~ (6) The amount distributed under this section shall be repaid to the state by the county rail district or port district. The repayment shall occur within ten years of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

NEW SECTION. Sec. 3. The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in section 4 of this act. Failing this, the department may sell or convey all such property in the manner provided in section 5 or 7 of this act.

NEW SECTION. Sec. 4. (1) If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;
- (e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may at the department's option be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 5. If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 6. The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under RCW 47.76.030, upon such terms and conditions as the department determines.

NEW SECTION. Sec. 7. (1) If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property

under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 8. Transfers of ownership of property acquired under RCW 47.76.030 are exempt from chapters 8.25 and 8.26 RCW.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act shall be added to chapter 47.76 RCW.

***NEW SECTION. Sec. 10. The rail right of way acquisition program under chapter 47.76 RCW shall be terminated on June 30, 1991.**

*Sec. 10 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 11. The rail right of way acquisition act as now existing or hereinafter amended, is repealed, effective June 30, 1992.**

*Sec. 11 was vetoed, see message at end of chapter.

Passed the Senate April 23, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1985.

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

"I am returning herewith, without my approval as to Sections 10 and 11, Substitute Senate Bill No. 4267, entitled:

"AN ACT Relating to abandoned rail rights of way."

Sections 10 and 11 of this bill seek to terminate and repeal, in 1991 and 1992, the rail right of way acquisition program and the rail right of way acquisition act, which are not defined. Signing these sections into law would raise difficult technical questions about the intent of Sections 10 and 11. I have, therefore, vetoed Sections 10 and 11 of Substitute Senate Bill No. 4267.

With the exception of Sections 10 and 11, which I have vetoed, Substitute Senate Bill No. 4267 is approved."

CHAPTER 433

[Engrossed Substitute House Bill No. 863]

STATE HIGHWAY IMPROVEMENTS NECESSITATED BY PLANNED ECONOMIC DEVELOPMENT—ECONOMIC DEVELOPMENT ACCOUNT OF THE MOTOR VEHICLE FUND CREATED

AN ACT Relating to transportation improvements necessitated by planned economic development; amending RCW 43.160.030, 47.10.801, and 47.10.803; reenacting RCW 43.160.030; adding new sections to chapter 43.160 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 47.10.810; making an appropriation; declaring an emergency; and providing effective dates.

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