

partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years of the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

*Sec. 8 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. Sections 4 through 7 of this act are each added to chapter 18.85 RCW.

NEW SECTION. Sec. 10. If any provision of this 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.

NEW SECTION. Sec. 11. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, the sum of eighty-four thousand three hundred seventy-two dollars, or so much thereof as may be necessary, to carry out the purposes of sections 4 through 7 of this act.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

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

"I am returning herewith, without my approval as to section 8, Engrossed House Bill No. 435 entitled:

"AN ACT Relating to real estate brokers and salesmen."

Section 8 would exempt from the real estate excise tax assumed mortgages on real property which are refinanced.

Refinancing assumed mortgages is simply one means of financing the purchase of real property; no public goal or objective is served by this selective exemption. Washington cannot afford the loss of several million dollars caused by such an exemption.

With the exception of section 8, Engrossed House Bill No. 435 is approved."

CHAPTER 515

[Engrossed Substitute Senate Bill No. 5801]

FIRE FIGHTERS—OCCUPATIONAL DISEASES

AN ACT Relating to industrial insurance; amending RCW 51.08.100; and adding new sections to chapter 51.32 RCW.

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

*NEW SECTION. Sec. 1. The legislature finds that the employment of fire fighters exposes them to smoke, fumes, and toxic or chemical substances. The legislature recognizes that fire fighters as a class have a higher rate of respiratory disease than the general public. The legislature therefore

finds that respiratory disease should be presumed to be occupationally related for industrial insurance purposes for fire fighters.

The legislature also finds that fire fighters and law enforcement officers are required to respond to emergencies in a rapid manner to save lives, reduce property damage, and protect the public. As a result, these officers are often subject to extreme mental and physical stress and life-threatening circumstances during the course of their employment. The legislature therefore finds that the judicial doctrine requiring unusual exertion for compensation in heart attack injuries should be abrogated for these workers.

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

NEW SECTION. Sec. 2. (1) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, there shall exist a prima facie presumption that respiratory disease is an occupational disease under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence controverting the presumption. Controverting evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumption established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

**Sec. 3. Section 51.08.100, chapter 23, Laws of 1961 and RCW 51.08.100 are each amended to read as follows:*

(1) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.

(2) In the case of fire fighters as defined in RCW 41.26.030(4)(a), (b), and (c) who are covered under Title 51 RCW, and law enforcement officers as defined in RCW 41.26.030(3) who are covered under Title 51 RCW, for the purpose of heart attacks the definition of "injury" shall be construed without regard to whether the member's exertion was usual or unusual.

*Sec. 3 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 51.32 RCW.

Passed the Senate April 22, 1987.

Passed the House April 15, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

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

"I am returning herewith, without my approval as to the second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801, entitled:

"AN ACT Relating to industrial insurance."

This bill would change the rules under which certain firefighters and law enforcement officers may qualify for workers' compensation benefits when they suffer from respiratory disease or have heart attacks. It stipulates that for those firefighters under the LEOFF II pension system, respiratory disease will be presumed to be job related, unless the employer can prove otherwise. It also changes the definition of injury for LEOFF II firefighters and police officers. They would no longer have to prove that a heart attack was due to unusual exertion on the job to qualify for workers' compensation.

I recognize the need to ease the burden of proof required for firefighters who contract respiratory diseases. The establishment of a rebuttable presumption that a respiratory disease is occupationally related for those employees will address a major problem for those who incur legitimate work place respiratory diseases.

However, I do not believe that it is appropriate to change the definition of injury, as proposed in the second paragraph of section 1 and affected in section 3, so that a heart attack is presumed to be job related. While the definition of injury has been the topic of considerable study and discussion for the past two years, there is no conclusive evidence to demonstrate that there is a higher incidence of job-related heart problems in firefighters and law enforcement officers than those in other professions.

With the exception of second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801 is approved."

CHAPTER 516

[House Bill No. 1205]

WATER POLLUTION FACILITIES—EXTENDED GRANT PAYMENTS

AN ACT Relating to authorizing the department of ecology to distribute funds from the water quality account for water pollution facilities, using extended grant payments; and adding a new section to chapter 70.146 RCW.

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

***NEW SECTION.** Sec. 1. A new section is added to chapter 70.146 RCW to read as follows:

(1) The department of ecology may enter into contracts with local jurisdictions which provide for extended grant payments under which eligible costs may be paid on an advanced or deferred basis.

(2) Extended grant payments shall be in equal annual payments, the total of which does not exceed, on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. The duration of such extended grant payments shall be for a period not to exceed twenty years. The total of federal and state grant moneys received for the eligible costs of the project shall not exceed fifty percent of the eligible costs.

(3) Any moneys appropriated by the legislature from the water quality account shall be first used by the department of ecology to satisfy the conditions of the extended grant payment contracts.