

"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.

(4) Any moneys appropriated by the legislature from the water quality account for protection of sole-source aquifers shall be provided in the form of a fifty percent matching grant.

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

Passed the House April 23, 1987.

Passed the Senate April 17, 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 1(4), House Bill No. 1205 entitled:

"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."

House Bill No. 1205 authorizes the Department of Ecology to enter into contracts with local jurisdictions allowing the state to pay its share of project costs over an extended period up to a maximum of twenty years. The purpose of this authorization is to reduce the state's initial assistance to a local jurisdiction constructing a major water pollution control facility, thereby maintaining adequate funds in the water quality account to assist other local jurisdictions.

Section 1(4) was added as a Senate floor amendment. It requires the state share for one category of water pollution control, sole source aquifer protection, to be in the form of a fifty percent matching grant. The designation of a sole source aquifer is determined by the federal Environmental Protection Agency under the Safe Drinking Water Act. Currently, three such aquifers have been designated in our state and several more are under federal review.

The Department of Ecology is developing by rule a comprehensive and consistent program for use of funds from the water quality account, including the appropriate level of cost sharing with local jurisdictions for eligible water pollution control facilities and activities in accordance with Chapter 70.146 RCW.

I concur that the protection of sole source aquifers is of high priority, and projects for such protection should receive a fair level of state aid. However, the appropriate level of state assistance for any project funded by the water quality account should be made in the context of overall state priorities for water pollution control assistance.

With the exception of section 1(4), which I have vetoed, House Bill No. 1205 is approved."

CHAPTER 517

[Substitute House Bill No. 978]

YAKIMA ENHANCEMENT PROJECT

AN ACT Relating to water projects in the Yakima river basin; amending section 3, chapter 316, Laws of 1986 (uncodified); and adding a new section to chapter 43.21A RCW.

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

*Sec. 1. Section 3, chapter 316, Laws of 1986 (uncodified) is amended to read as follows:

(1) The director of the department of ecology shall: