

NEW SECTION. Sec. 13. Sections 3 through 9 of this act are each added to chapter 75.52 RCW.

Passed the Senate February 15, 1989.

Passed the House April 6, 1989.

Approved by the Governor April 20, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 20, 1989.

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

"I am returning herewith, without my approval as to sections 8 and 12, Senate Bill No. 5156, entitled:

"AN ACT Relating to Cedar River sockeye salmon."

The concept behind this bill is to provide a mechanism to mitigate for the sockeye salmon habitat losses caused by the Landsburg diversion dam. Embodied in the concept of mitigation is that the complete cost, including the long-term operation and maintenance of the mitigation project, shall be borne by the party with the responsibility to mitigate. In this case, the City of Seattle has agreed not only to fund all phases leading up to and including construction, but also to deposit \$2.5 million in a trust account so that interest can be used to fund operation and maintenance.

The acceptability of this project to the State to fully mitigate for the sockeye losses caused by the diversion dam shall be judged not only on the success of the spawning channel but also on whether the trust account is adequate to fully finance the long-term operation and maintenance of the channel. It is in the best interest of the City of Seattle to negotiate with the State on methods which could reduce the expenditures from this trust account, so that in the future the fund is sufficient to cover inflationary costs as well as unanticipated costs.

I feel strongly that the decision-making process leading up to the construction of the spawning channel must recognize the relationship between the State and the Muckleshoot Tribe. The process must involve the Tribe in the planning, design, construction and operation of the spawning channel. This project can proceed only so long as consistent with the protection of treaty fishing rights. Finally, it should be noted that any decision made by the State pursuant to this legislation does not affect claims the Muckleshoot Tribe may have against the City of Seattle for damages to the Cedar River fisheries resources.

The expedition of permits in section 8 implies that state agencies are somehow above the permitting processes. This policy sends an inappropriate message that the review should be preferential or incomplete. The emergency clause in section 12 is not warranted by any exigent circumstances.

I believe this legislation, with the exception of sections 8 and 12, is an example of a process, that if successful, will enhance fishing opportunities in this state and will address a current impediment to increasing the Cedar River sockeye run.

Therefore, with the exception of sections 8 and 12, Senate Bill No. 5156 is approved."

CHAPTER 86

[Senate Bill No. 6012]

SCHOOLS—REVENUES DERIVED FROM REAL PROPERTY—DEPOSIT

AN ACT Relating to the leasing of surplus school property; and amending RCW 28A-58.033 and 28A.58.035.

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

***Sec. 1. Section 2, chapter 115, Laws of 1980 as amended by section 2, chapter 306, Laws of 1981 and RCW 28A.58.033 are each amended to read as follows:**

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities(~~:(PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future)~~).

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.58.034 and 28A.58.040, each as now or hereafter amended, is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall send written notice to the office of the state superintendent of public instruction. School districts shall not rent or lease the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies.

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

Sec. 2. Section 4, chapter 115, Laws of 1980 as last amended by section 15, chapter 59, Laws of 1983 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

Passed the Senate April 11, 1989.

Passed the House April 5, 1989.

Approved by the Governor April 20, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 20, 1989.

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

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6012, entitled:

"AN ACT Relating to the leasing of surplus school property."

Section 1 of this bill would remove the restriction requiring school districts to include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future." The stated intent of this bill is to clarify the law so school districts can enter into long-term leases of surplus property to be used for condominiums or office buildings.

The restriction in existing law is good public policy. It should not be repealed. We should not be encouraging school districts to be in the real estate business when there are current demands for school district buildings and funding of school projects.

Each year the Legislature struggles with providing enough capital funding to school districts to keep up with demands for new construction. It seems inconsistent to allow districts to lock up buildings and property in long-term leases, when there is apparently no intent nor ability to ever reclaim these for school purposes. If there is no foreseeable school use, the district should surplus and sell the properties so the funds are available for other district uses.

The existing statute provides enough flexibility so school districts can rent or lease property when it is not needed immediately. However, the existing law wisely prohibits long-term commitments which bind future school boards and limit their ability to meet the changing needs of the community.

With the exception of section 1, Senate Bill No. 6012 is approved."

CHAPTER 87

[Second Substitute Senate Bill No. 5011]

ALLOCATION OF ASSETS BETWEEN INSTITUTIONALIZED AND COMMUNITY SPOUSE

AN ACT Relating to the prevention of impoverishment of spouses of institutionalized persons; amending RCW 11.94.050, 74.09.510, and 74.09.700; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.532, 74.09.534, 74.09.536, and 74.09.538; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 29, chapter 30, Laws of 1985 and RCW 11.94.050 are each amended to read as follows:

(1) Although a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal