

"I am returning herewith, without my approval as to section 12, Substitute Senate Bill No. 3433, entitled:

"AN ACT Relating to higher education institutions."

Substitute Senate Bill No. 3433 establishes the Higher Education Facilities Authority to assist the state's independent colleges and universities in the issuance of tax exempt revenue bonds. These bonds, and the expenses of the Authority, are funded by private sources. No public funds are involved.

Section 12 of the bill would require the Authority to adopt rules to ensure the "prevailing rate of wage" for construction projects, as prescribed by RCW 39.12-.010. Chapter 39.12 RCW pertains to public works projects paid from public funds. The authority of Substitute Senate Bill No. 3433 pertains to private construction projects funded from non-public sources. Therefore chapter 39.12 RCW does not, and should not, apply.

With the exception of section 12, which I have vetoed, Substitute Senate Bill No. 3433 is approved."

## CHAPTER 170

[Engrossed House Bill No. 23]

### INDUSTRIAL INSURANCE—COMMON CARRIER EMPLOYERS AND TRUCK OPERATORS MAY ELECT COVERAGE

AN ACT Relating to industrial insurance coverage; amending section 51.12.090, chapter 23, Laws of 1961 as last amended by section 16, chapter 63, Laws of 1982 and RCW 51.12-.090; adding a new section to chapter 51.12 RCW; and declaring an emergency.

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

Sec. 1. Section 51.12.090, chapter 23, Laws of 1961 as last amended by section 16, chapter 63, Laws of 1982 and RCW 51.12.090 are each amended to read as follows:

((+)) The provisions of this title shall apply to employers and workers (other than railways and their workers) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workers may and shall be clearly separable and distinguishable from the payroll of workers engaged in interstate or foreign commerce: PROVIDED, That(~~;~~ ~~except as provided under subsection (2) of this section;~~) as to workers whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or workers brought into this state for the purpose of engaging in work.

~~((2) Common carrier employers engaged in intrastate commerce and also interstate or foreign commerce may exempt themselves from being liable for damages under this title as provided under subsection (1) of this section so long as at the time of such injury:~~

(a) The employer is domiciled in this state;

~~(b) The injured person is a worker as defined under this title;~~  
~~(c) The employer has secured payment of compensation; and~~  
~~(d) The employer has made election to cover all such persons in the manner provided by RCW 51.12.110.))~~

**NEW SECTION.** Sec. 2. There is added to chapter 51.12 RCW a new section to read as follows:

(1) Common or contract carriers domiciled in this state that are engaged exclusively in interstate or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.12.110 for their employees.

(2) A person who is domiciled in this state and who owns and operates a truck engaged in intrastate, interstate, or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.32.030, whether or not the truck is leased to a common or contract carrier.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

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## CHAPTER 171

[Substitute House Bill No. 44]

### COUNTY-OWNED SOLID WASTE FACILITIES—IMPACT ON CITIES— MITIGATION—NEGOTIATIONS, MEDIATION, ARBITRATION

AN ACT Relating to solid waste facilities; and amending section 8, chapter 175, Laws of 1982 and RCW 36.58.080.

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

Sec. 1. Section 8, chapter 175, Laws of 1982 and RCW 36.58.080 are each amended to read as follows:

County-owned solid waste facilities shall not be subject to any tax or excise imposed by any city or town. Cities or towns may charge counties to mitigate impacts directly attributable to the solid waste facility: **PROVIDED**, That any city or town establishes that such charges are reasonably necessary to mitigate such impacts and that revenue generated from such charges is expended only to mitigate such impacts. Impacts resulting from commercial and residential solid waste collection within any city or town shall not be considered to be directly attributable to the solid waste facility. In the event that no agreement can be reached between the city or town and