

(2) Section 10, chapter 1, Laws of 1961 and RCW 41.06.100.

**NEW SECTION.** Sec. 32. If any provision of this amendatory 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.

Passed the House April 5, 1982.

Passed the Senate April 4, 1982.

Approved by the Governor April 20, 1982 with the exceptions of Section 30, and all references to it, which are vetoed.

Filed in Office of Secretary of State April 20, 1982.

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

"I am returning herewith without my approval as to Section 30 of Substitute House Bill No. 1226, entitled:

"AN ACT Relating to public employees"

I have vetoed Section 30 on pages 27 and 28, and all references to Section 30 on pages 13, 15, 23, 24, 25, and 27.

Section 30 calls for legislative review and approval of the proposed administrative rules for implementing the act. Failure of the legislature to approve the rules would void several sections of the act. In addition to presenting some constitutional issues relating to the functions of the legislative and executive branches, implementation of this section creates too much uncertainty as to when or whether the law will become effective.

With the exception of Section 30 and the references to it, which I have vetoed, Substitute House Bill No. 1226 is approved."

## CHAPTER 54

[Second Substitute House Bill No. 124]

### PUBLIC EMPLOYEES—EARLY RETIREMENT

AN ACT Relating to public employment; amending section 128, chapter 340, Laws of 1981 (uncodified); adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.04 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

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

**NEW SECTION.** Section 1. The legislature has determined it is in the best interest of the state to temporarily provide a special early retirement benefit which would enable certain employees to leave state service. It is the intent of the legislature that the resulting lower level of employment achieved through the utilization of this special early retirement be maintained by the agency or political subdivision for whom the retiring employee was employed.

**PART A.  
TEACHERS' RETIREMENT SYSTEM**

**NEW SECTION.** Sec. 2. "Eligible members" means members of the retirement system as established by chapter 41.32 RCW who are employed by an employer on the effective date of this act.

**NEW SECTION.** Sec. 3. (1) From the effective date of this act through November 30, 1982, eligible members of the retirement system may elect special early retirement, such retirement to be effective no later than January 1, 1983, under the following conditions:

Any eligible member who (a) has attained the age of fifty-five years, with at least five years creditable service, or (b) has at least twenty-five years creditable service, is eligible to retire, and receive a combined pension and annuity service retirement allowance which shall be equal to two percent of the member's average final compensation multiplied by the total years of creditable service established with the retirement system to a maximum of sixty percent of such average earnable compensation. All options available under RCW 41.32.498(4) shall be available for retirements under this section, subject to the appropriate actuarial adjustments.

(2) For the purposes of this section: (a) For eligible members who established membership in the retirement system on or before September 30, 1977, "earnable compensation" has the meaning set forth in RCW 41.32.010(11)(a); and "average final compensation" means the average earnable compensation for the member's two highest compensated consecutive years of service; (b) for eligible members who established membership in the retirement system on or after October 1, 1977, "earnable compensation" and "average final compensation" have the meanings set forth in RCW 41.32.010(11)(b) and 41.32.010(31), respectively.

**NEW SECTION.** Sec. 4. There is appropriated from the general fund to the teachers' retirement fund for the biennium ending June 30, 1983, the sum of one million three hundred thousand dollars, or so much thereof as may be necessary, to pay for the costs of the benefits provided under section 3 of this act.

**NEW SECTION.** Sec. 5. Sections 2 and 3 of this act are added to chapter 41.32 RCW, but, because of their temporary nature, shall not be codified.

**PART B.  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**NEW SECTION.** Sec. 6. "Eligible members" means members of the retirement system as established by chapter 41.40 RCW who are employed by an employer on the effective date of this act.

**NEW SECTION.** Sec. 7. (1) From the effective date of this act through November 30, 1982, eligible members of the retirement system may elect

special early retirement, such retirement to be effective no later than January 1, 1983, under the following conditions:

Any eligible member who (a) has attained the age of fifty-five years, with at least five years creditable service, or (b) has at least twenty-five years creditable service, is eligible to retire, and receive a membership service retirement allowance which shall be equal to two percent of the member's average final compensation for each year or fraction of a year of membership service to a maximum of sixty percent of such average final compensation. All options available under RCW 41.40.185(5) shall be available for retirements under this section, subject to the appropriate actuarial adjustments.

(2) For the purposes of this section: (a) For eligible members who established membership in the retirement system on or before September 30, 1977, "compensation earnable" and "average final compensation" have the meanings set forth in RCW 41.40.010(8)(a) and 41.40.010(15)(a), respectively; (b) for eligible members who established membership in the retirement system on or after October 1, 1977, "compensation earnable" and "average final compensation" have the meanings set forth in RCW 41.40.010(8)(b) and 41.40.010(15)(b), respectively.

Sec. 8. Section 128, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

No appropriations contained in this act shall be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1981-83 biennium and the cost of benefits provided under section 7 of this 1982 act. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED, That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1981 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION. Sec. 9. Sections 6 and 7 of this act are added to chapter 41.40 RCW, but, because of their temporary nature, shall not be codified.

#### PART C.

#### WASHINGTON STATE PATROL RETIREMENT SYSTEM

NEW SECTION. Sec. 10. From the effective date of this act to November 30, 1982, any member who is employed as a commissioned officer on the effective date of this act and (1) has attained the age of fifty years, with at least five years creditable service, or (2) has at least twenty years of creditable service, is eligible to elect special early retirement and retire within the period from the effective date of this act and January 1,

1983. The benefit available upon special early retirement shall be determined and paid in accordance with RCW 43.43.120 through 43.43.320, except there shall be no actuarial reduction in the amount of the retirement allowance.

NEW SECTION. Sec. 11. Section 10 of this act is added as a new section to chapter 43.43 RCW, but, because of its temporary nature, shall not be codified.

#### PART D.

#### HIGHER EDUCATION RETIREMENT SYSTEMS

NEW SECTION. Sec. 12. From the effective date of this act to November 30, 1982, any faculty member or such other employee who (a) has attained the age of fifty-five years, with at least ten years creditable service, or (b) has at least twenty-five years of creditable service, is eligible to elect special early retirement and retire within the period from the effective date of this act and January 1, 1983. The retirement benefit shall be determined pursuant to RCW 28B.10.400, 28B.10.401, and 28B.10.423, without actuarial reduction on account of age.

NEW SECTION. Sec. 13. Section 12 of this act is added as a new section to chapter 28B.10 RCW but, because of its temporary nature, shall not be codified.

#### PART E.

#### MISCELLANEOUS PROVISIONS

***\*NEW SECTION. Sec. 14. (1) Each elected state official shall ensure that each agency under the official's control does not hire any person after the effective date of this section unless:***

***(a) The total number of full-time equivalent employees, whose source of funding is from the state general fund, for the agency, whose source of funding is from the state general fund, during the month in which the hiring occurs does not exceed the greater of (i) the average monthly number of full-time equivalent employees, whose source of funding is from the state general fund, exclusive of persons employed under the federal comprehensive employment and training act, actually employed by the agency during the previous calendar year, or (ii) the total number of full-time equivalent employees, whose source of funding is from the state general fund, exclusive of persons employed under the federal comprehensive employment and training act, actually employed by the agency during the same month of the previous year: PROVIDED, That the elected state official is authorized to grant reasonable exceptions to this rule for an agency which did not exist during the same month of the previous year and for an agency which has had its statutory responsibilities substantially changed since such month; and***

**(b) On the date the hiring occurs, the total number of full-time equivalent employees, whose source of funding is from the state general fund, hired after December 31, 1981, by all agencies under the elected state official's control does not exceed fifty percent of the total number of full-time equivalent employees, whose source of funding is from the state general fund, who left employment with those agencies after December 31, 1981: PROVIDED, That this subsection (1)(b) does not apply to: (i) The hiring of seasonal employees if the number of seasonal employees employed by the agency is consistent with the historical use of seasonal employees by the agency; (ii) the hiring of temporary employees if the number of temporary employees employed by the agency is consistent with the historical use of temporary employees by the agency; (iii) the department of corrections; and (iv) the hiring of four thousand critical employees of the department of social and health services, as identified by the governor; and**

**(c) The hiring complies with the policy set forth in section 15 of this act.**

**(2) For the purposes of this section, all state executive branch agencies are under the control of the governor unless they are headed by an elected state official other than the governor.**

**(3) This section does not prohibit an elected state official or the legislature from providing for the employment of state employees in excess of the number otherwise allowable under this section in order to address a state of emergency proclaimed under RCW 43.06.010 or a critical and emergent need proclaimed by the governor for the protection of the public health and safety. Any proclamation under this section shall be immediately transmitted to the financial committees of the legislature. Employment allowed under this subsection shall not last longer than the emergency conditions.**

**(4) As used in this section, "agency" has the meaning given in RCW 43.88.020, except that the system of community colleges shall be treated as one agency under this section.**

**(5) This section expires June 30, 1983.**

\*Sec. 14 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 15. There is added to chapter 41.04 RCW a new section to read as follows:**

**(1) It is the policy of the state of Washington that, in hiring employees, state officials shall emphasize maintaining those positions with functions permitting the agency to carry out its legislatively mandated mission. As a general rule, hirings shall not disproportionately favor management positions. In furtherance of this policy, each agency shall submit to the office of financial management by January 15 and July 15 of each year a report indicating by title each position which became vacant and each position which was filled during the previous six months.**

**(2) The office of financial management shall study the implementation of the hiring policy provided in this section. This study shall be presented to the**

*financial committees of the legislature by January 31 and July 31 of each year.*

\*Sec. 15 was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 16. (1) The office of financial management shall study the actual utilization of the special early retirement offered by this act, the subsequent replacement of those persons who utilized the special early retirement offered by this act, and the impact of early retirement on managerial efficiency and prerogatives. This study shall be presented to the financial committees of the legislature by December 31, 1983.

*(2) The office of financial management shall study the implementation of the hiring limits provided in section 14 of this act. This study shall be presented to the financial committees of the legislature by July 31, 1982, January 31, 1983, and July 31, 1983.*

\*Sec. 16 was partially vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 17. Part headings as used in this act do not constitute any part of the law.

**NEW SECTION.** Sec. 18. 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. 19. 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 5, 1982.

Passed the Senate April 4, 1982.

Approved by the Governor April 20, 1982 with the exceptions of Sections 14, 15, and 16(2), which are vetoed.

Filed in Office of Secretary of State April 20, 1982.

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

"I am returning herewith without my approval as to Sections 14, 15, and 16(2) Second Substitute House Bill No. 124, entitled:

"AN ACT Relating to public employment; amending certain sections of RCW 28B and RCW 41.04 and other sections and declaring an emergency."

Section 14 directs that the state general fund full-time equivalent employment of any state agency during any month not exceed the average monthly state general fund FTE employment of the previous calendar year or the state general fund FTE employment of the same month of the previous year. Section 14 also limits replacement of state general fund-supported employees to 50 percent of those leaving employment after December 31, 1981.

Employee attrition does not occur evenly between agencies. Agencies with high turnover would be severely affected, particularly in view of staffing reductions that have already occurred. The hiring freeze imposed by Section 14 is overly restrictive: it does not allow for exceptions to meet critical needs; nor does it allow for the planning and control that is essential to good management. In addition, the exempting provisions of this bill result in an unfair burden being placed on the remainder of state government. For these reasons, I have vetoed Section 14.

Section 15 requires agencies to report every six months to the Office of Financial Management (OFM) the number of vacancies created and positions filled. OFM must present this information to the legislature 15 days thereafter. To require additional paperwork of questionable purpose and value is not appropriate during times of budgetary and staffing reductions. The OFM presently collects and distributes sufficient information to keep the legislature and me adequately informed as to the status of state agency staffing.

Subsection (2) of Section 16 is a study requirement related to Section 14 and is therefore unnecessary.

With the exceptions noted above, Second Substitute House Bill No. 124 is approved."

---

## CHAPTER 55

[House Bill No. 1099]

### FOREST FIRE PROTECTION ASSESSMENTS

AN ACT Relating to fire protection of forest lands; amending section 1, chapter 102, Laws of 1977 ex. sess. as amended by section 1, chapter 171, Laws of 1981 and RCW 76.04.360; and amending section 8, chapter 207, Laws of 1971 ex. sess. as last amended by section 1, chapter 28, Laws of 1981 and RCW 76.04.515.

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

Section 1. Section 1, chapter 102, Laws of 1977 ex. sess. as amended by section 1, chapter 171, Laws of 1981 and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.515, at a cost to the owner of not to exceed ~~((twenty))~~ twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and ~~((sixteen))~~ seventeen cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains: PROVIDED FURTHER, That an owner of two or more parcels per county, each containing less than thirty acres, may obtain a certified list of such parcels from the county assessor and file it by January 1 each year with the department, which will collect from that owner one minimum assessment for all parcels. Should the total acreage of the parcels filed exceed thirty acres, the per-acre rate shall apply. If payment is not received within ten days of filing, the owner shall not be entitled to the exception contained in this proviso for that tax year and the assessments shall be collected as otherwise provided.

For the purpose of chapter 76.04 RCW, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands