

## CHAPTER 8.

[ Senate Bill No. 4. ]

AN ACT relating to government; enacting a title of the Revised Code of Washington to be known as Title 43—State Government—Executive; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

## TITLE 43

## STATE GOVERNMENT—EXECUTIVE

## Chapter 43.01

## STATE OFFICERS—GENERAL PROVISIONS

**43.01.010 Terms of office.** The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election.

**43.01.020 Oath of office.** The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: *Provided*, That the oath of the secretary of state shall be filed in the office of the state auditor.

**43.01.030 Filing and printing of reports of state officers, etc.** Reports required to be made by state officers, boards, commissions, regents, trustees, and institutions to the governor or the legislature,

shall be typewritten, the original of which shall be filed with the governor, or with the legislature, as the law may require, and a duplicate copy thereof shall be filed with the director of budget.

The director shall determine which reports, or what portions of any report, with the approval of the governor, shall be printed as public documents.

The governor shall determine the number of such reports to be printed for distribution.

**43.01.035 Reports—Periods to be covered.** All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding. All annual reports to the governor shall cover the full fiscal year immediately preceding the date of said report.

**43.01.040 Vacations—Computation—Accrual—Transfer.** Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed twenty-five working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution.

**43.01.041 ————Payment upon severance of employment.** Officers and employees referred to in RCW 43.01.040 whose employ-

ment is terminated by their death; reduction in force; resignation dismissal, or by retirement and who have accrued vacation leave as specified in RCW 43.01.040, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination.

**43.01.042** ————**State institutions of higher learning.** State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel.

**43.01.043** ————**Rules and regulations.** The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043 with respect to vacation leave of subordinate officers and employees thereof.

**43.01.050** **Daily remittance of moneys to treasury.** Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys belonging to the state or to any department or institution thereof, shall transmit to the state treasurer each day, all moneys collected by him on the preceding day, together with a statement of the source from which each item of money was derived, and shall transmit to the budget director a duplicate of such statement.

This section shall not apply to the educational institutions of the state, but each such institution shall, at the end of every three months, file with the state auditor an itemized statement showing all money received by it from sources other than state legislative appropriations, the particular source from which the same was received, the purpose for which the same, or any part thereof, has been expended, and the balance on hand.

**43.01.060** **Treasurer's duty on default.** The state treasurer shall inform the governor of any failure on the part of any officer to comply with the provisions of RCW 43.01.050.

**43.01.070** **Liability of officers for noncompliance.** If any officer fails to comply with the provisions of RCW 43.01.050, he shall be liable to the state upon his official bond in a sum equal to ten percent annual interest on the funds for such time as he retained them.

**43.01.072** **Refund of fees or other payments collected by state.** Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or pay-

ments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment.

**43.01.073** ————**Voucher.** Any state agency desiring to authorize such a refund shall file with the state treasurer a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited.

**43.01.074** ————**Warrant.** Payment of such refunds shall be by warrant issued by the state treasurer against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund.

**43.01.075** ————**Limitation where amount is two dollars or less.** No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within six months from the date the erroneous or excessive payment was made.

**43.01.090** **Certain departments to pay housing cost.** The director of general administration, at the close of each quarterly period ending March 31st, June 30th, September 30th, and December 31st, shall bill each office, department, and activity financed in whole or in part from funds other than the general fund, for payment of its proportion of housing cost for the preceding quarter, the amount so billed to be computed at rates established by the director of general administration for each square foot of usable floor space assigned to or occupied by it: *Provided*, That this section shall not be construed to prevent the director from allotting available unused space to governmental agencies for temporary occupancy as deemed in the public interest.

Upon receipt of such bill, each office, department, and activity so financed shall cause a warrant or check in the amount thereof to be drawn upon its operating fund, or other special or local fund within its jurisdiction, in favor of the director, by whom the same shall be deposited in the state treasury to the credit of the general fund.

“Housing cost” means the expense of operating and maintaining capitol buildings and grounds.

**43.01.100** **Application forms—Employment—Licenses—Mention of race or religion prohibited.** The inclusion of any question relative to an applicant’s race or religion in any application blank or

form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited.

**43.01.110 Penalty for violation of RCW 43.01.100.** Any person who shall violate RCW 43.01.100 shall be guilty of a misdemeanor.

### Chapter 43.03

### SALARIES AND EXPENSES

**43.03.010 Salaries of elective state officers.** The annual salaries of the following named state elected officials shall be: Governor, thirty-two thousand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars; attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their services twelve hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

**43.03.020 Expenses of lieutenant governor acting as governor.** Whenever by reason of the absence from the state or the disability of the governor, the lieutenant governor is called upon temporarily to perform the duties of the office of governor, he shall be paid upon his personal voucher therefor the sum of ten dollars per day for expenses.

**43.03.028 Governor's advisory committee on salaries.** There is hereby created a committee to be known as the governor's advisory committee on salaries, to consist of seven members as follows: The dean of the College of Business Administration of the University of Washington; the dean of the School of Economics and Business of Washington State University; the chairman of the State Personnel Board; the president of the Association of Washington Industries; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and one representative from organized labor. The committee herein

created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate.

The committee shall also make a study of the duties and salaries of all state elective officials including members of the supreme and superior courts and of the members of the legislature and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position by the legislature.

**43.03.030 Increase or reduction of appointees' compensation.** (1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

**43.03.040 Governor may fix salaries of department heads—Maximum.** The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the advisory committee on salaries created in RCW 43.03.028, upon the basis of official responsibility.

**43.03.050 Subsistence allowance for officials and employees.** The heads of all state departments may prescribe per diem rates of allowance, not exceeding twelve dollars in lieu of subsistence and lodging in elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington or an adjoining state, and not exceeding twenty dollars per day while engaged on official business elsewhere.

**43.03.060 Automobile mileage allowance.** Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than by a common carrier, he shall be allowed a mileage rate not to exceed eight cents a mile.

**43.03.080 Minimum salaries of full time state employees.** Each full time employee of the state or of any office, department, or institution thereof, who has been actually employed on a full time basis for not less than six months shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution; but such compensation, however computed, shall be not less than one hundred seventy-five dollars a month.

Any such employee whose compensation includes subsistence and lodging shall receive, in addition to such maintenance, however computed, not less than one hundred and fourteen dollars per month.

**43.03.090 Minimum salaries of part time employees.** Each person employed by the state or any office, department, or institution thereof on a part time basis for such period shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution, which shall be determined on such proportional basis as will compensate the employee for time actually spent in the performance of his duties at a rate of not less than one hundred dollars a month for full time employment.

**43.03.100 Exceptions.** RCW 43.03.080 and 43.03.090 shall not apply to teaching fellows, student employees, and student instructors in the state institutions of higher learning, or to student nurses, student attendants, household maids, or common farm labor in the state's educational, charitable, eleemosynary, penal, and reform institutions, or to the state military department.

**43.03.110 Moving expenses of employees.** Whenever it is reasonably necessary to the successful performance of the required duty

of a state office, commission, or department to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, upon securing the approval of the director of budget, it shall be lawful for such office, commission, or department to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head.

## Chapter 43.06

### GOVERNOR

**43.06.010 General powers and duties.** In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) He shall supervise the conduct of all executive and ministerial offices;

(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state



prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike, or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. Before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike, or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding such persons to disperse and refrain from taking part in or encouraging or inciting such riot, unlawful strike, or unlawful assembly, and if thereafter such imminent danger still continues, the governor shall proceed to suppress it by calling into action all the force necessary to accomplish that purpose.

**43.06.015 Interstate oil compact commission—Governor may join.** The governor is authorized, on behalf of the state of Washington, to join the interstate oil compact commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative.

**43.06.020 Records to be kept.** The governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him;

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any.

**43.06.030 Appointments to senate for confirmation.** On or before the last five days of each biennial session of the legislature, the governor must transmit to the senate a list of all appointments made by him, and not before communicated to the senate for confirmation.

**43.06.040 Lieutenant governor acts in governor's absence.** If the governor absents himself from the state, he shall, prior to his departure, notify the lieutenant governor of his proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor.

**43.06.050 Powers and duties of acting governor.** Every provision of law in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor.

**43.06.060 Expense of publishing proclamations.** When the governor is authorized or required by law to issue a proclamation, payment for publishing it shall be made out of the state treasury.

**43.06.070 Removal of appointive officers.** The governor may remove from office any state officer appointed by him not liable to impeachment, for incompetency, misconduct, or malfeasance in office.

**43.06.080 Statement of reasons to be filed.** Whenever the governor is satisfied that any officer not liable to impeachment has been guilty of misconduct, or malfeasance in office, or is incompetent, he shall file with the secretary of state a statement showing his reasons, with his order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of causes by registered mail to the last known post office address of the officer in question.

**43.06.090 Filling of vacancy.** At the time of making any removal from office, the governor shall appoint some proper person to fill the office, who shall forthwith demand and receive from the officer removed the papers, records, and property of the state pertaining to the office, and shall perform the duties of the office and receive the compensation thereof until his successor is appointed.

**43.06.100 May sign notarial papers by proxy.** The governor may designate an executive assistant on his staff who shall have authority to affix the governor's signature to the commission issued to any notary public or any other notarial paper requiring his signature. In affixing the governor's signature, the person designated may sign the governor's name either personally in writing or by facsimile reproduction, followed by the word "by" and the original signature of the person so designated. The governor's signature so affixed shall be valid for all purposes.

**Chapter 43.07****SECRETARY OF STATE**

**43.07.010 Official bond.** The secretary of state must execute an official bond to the state in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall receive no pay until such bond, approved by the governor, is filed with the state auditor.

**43.07.020 Assistant and deputy secretary of state.** The secretary of state may have one assistant secretary of state and one deputy secretary of state each of whom shall be appointed by him in writing, and continue during his pleasure. The assistant secretary of state and deputy secretary of state shall have the power to perform any act or duty relating to the secretary of state's office, that the secretary of state has, and the secretary of state shall be responsible for the acts of said assistant and deputy.

**43.07.030 General duties.** The secretary of state shall:

(1) Keep a register of and attest the official acts of the governor;

(2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;

(3) Record in proper books all conveyances made to the state, and all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;

(4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his affidavit entered therein.

**43.07.040 Custodian of state records.** The secretary of state is charged with the custody:

- (1) Of all acts and resolutions passed by the legislature;
- (2) Of the journals of the legislature;
- (3) Of the seal of the state;
- (4) Of all books, records, deeds, parchments, maps, and papers required to be kept on deposit in his office pursuant to law;
- (5) Of the enrolled copy of the Constitution.

**43.07.050 Bureau of statistics—Secretary ex officio commissioner.** The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration.

**43.07.060 Duties of commissioner.** The commissioner shall collect, assort, systematize and present in biennial reports to the legislature, statistical details classified as follows:

- (1) Agriculture;
- (2) Immigration;
- (3) Mechanical and manufacturing industries;
- (4) Mining;
- (5) Transportation on land and water;
- (6) The amount of cash capital invested in lands, buildings, machinery, materials, and means of production generally.

**43.07.070 Officers to furnish data—Distribution of reports.** All state officers and the assessors of the various counties of the state shall furnish, upon the written request of the commissioner, all the information possible and necessary to assist in carrying out the purposes of the bureau.

All printing required by the bureau in the discharge of its duty shall be performed by the state printer at public expense, and at the least three thousand copies of the printed biennial report shall be furnished the commissioner for free distribution to the public.

**43.07.080 Preparation of report.** The commissioner of statistics shall prepare for publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, to-

pography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau to promptly answer all proper inquiries relative to the state of Washington received by mail or otherwise from intending immigrants.

**43.07.090 Power to obtain statistics.** The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

**43.07.100 Information confidential—Penalty.** No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months.

**43.07.110 Deputy commissioner.** The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars any one year. The commissioner shall have authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary.

**43.07.120 Fees.** The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, judge of the supreme court or of a superior court, shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance.

## Chapter 43.08

### STATE TREASURER

**43.08.010 General duties.** The state treasurer shall:

(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;

(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;

(3) Account for moneys in the manner provided by law;

(4) Render accounts in the manner provided by law;

(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;

(6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;

(7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

(8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;

(9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid.

**43.08.020 Residence—Bond—Oath.** The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in the sum of two hundred and fifty thousand dollars, to be approved by the secretary of state and one of the judges of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state.

**43.08.030 Seal.** The treasurer shall keep a seal of office for the authentication of all papers, writings, and documents required to be certified by him.

**43.08.040 Administration of oaths.** The treasurer may administer all oaths required by law in matters pertaining to the duties of his office.

**43.08.050 Records and accounts—Public inspection.** All the books, papers, letters, and transactions pertaining to the office of treasurer shall be open for the inspection of a committee of the legislature to examine or settle all accounts, and to count all money; and to the inspection of the public generally during office hours; and when the successor of any treasurer is elected and qualified, the state auditor shall examine and settle all the accounts of the treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature.

**43.08.060 Duplicate receipts.** All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions, notify the budget director thereof, specifying the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the budget director; who shall credit the payor accordingly, and charge the treasurer with the amount. The other receipt the treasurer shall transmit to the payor.

**43.08.062 Warrants—Presentation—Cancellation.** All warrants drawn on the state treasury shall be presented for payment within five years after the date of the issue thereof.

Should the payee or legal holder of any warrant fail to present it for payment within the time specified, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of any canceled warrant present it for payment after the lapse of five years from the date of issue, the state treasurer may, upon proper showing by affidavit and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant.

**43.08.064 Duplicate warrants.** In case of the loss or destruction of a state warrant issued by the state treasurer for the payment of any moneys out of the state treasury, the treasurer may issue a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original. The issue of a duplicate warrant shall be subject to the provisions of RCW 43.08.062.

**43.08.066 ————Conditions on issuance.** Before a duplicate warrant is issued, the state treasurer shall require the person making application for its issue to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original warrant, giving the date of issue, the number, amount, and for what services or claim the original warrant was issued, and that the same has been lost or destroyed, and has not been paid; and to give a bond, with one or more sufficient sureties, conditioned to save the state harmless from the payment of the original warrant, and the payment of all costs and charges on account thereof.

**43.08.068 Record of lost or destroyed warrants.** The state treasurer shall keep a full and complete record of all warrants alleged to have been lost or destroyed, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, he shall enter upon the books of his office the cancellation of the original warrant.

**43.08.070 Warrants—Indorsement—Interest.** Upon the presentation of any state warrant to the state treasurer, if there are no funds in the state treasury, he shall endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from that date until paid.

**43.08.080 Call of warrants.** When the state treasurer has sufficient money on hand to pay warrants exceeding three thousand dollars, and the warrants are not presented for payment, he shall advertise in some weekly newspaper at the seat of government having the largest circulation in the state, for two weeks, stating the amount of money on hand, and the number of warrants he is



prepared to pay; and if such warrants are not presented for payment within ten days after the publication of the notice, the warrants shall not draw interest after that date.

**43.08.090 Fiscal agent for state.** The state treasurer shall be ex officio the fiscal agent of the state.

**43.08.100 Duties of fiscal agent.** The fiscal agent of the state shall receive all moneys due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law.

**43.08.110 Fiscal agent's receipts.** The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the budget director.

**43.08.120 Assistant—Deputy—Bonds—Responsibility for acts.** The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint a deputy state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurer shall hold office at the pleasure of the state treasurer and shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers, and shall give surety bonds in such sum as the state treasurer deems sufficient for the faithful performance of their duties, which shall be approved and filed as other state officials' bonds.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurer.

**43.08.130 Wrongful refusal to pay warrants—Penalty.** If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant otherwise than as provided by law, he shall forfeit and pay fourfold the amount thereof to any

person injured thereby, to be recovered by action against the treasurer and the sureties on his official bond.

**43.08.140 Embezzlement—Penalty.** If any person holding the office of state treasurer fails to account for and pay over all moneys in his hands in accordance with law, or unlawfully converts to his own use in any way whatever, or uses by way of investment in any kind of property, or loans without authority of law, any portion of the public money intrusted to him for safekeeping, transfer, or disbursement, or unlawfully converts to his own use any money that comes into his hands by virtue of his office, he shall be guilty of embezzlement, and upon conviction thereof, shall be imprisoned in the penitentiary not exceeding fourteen years, and fined a sum equal to the amount embezzled.

**43.08.150 Monthly financial report.** On or before the tenth day after the close of each calendar month, the state treasurer shall prepare three hundred printed copies of a report as to the state of the general fund and separately as to each and every other fund under his control itemized as to:

(1) The amount in the fund at the close of business at the end of the preceding month;

(2) The amount of revenue deposited or transferred to the credit of each fund during the current month;

(3) The amount of withdrawals or transfers from each fund during the current month; and

(4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be mailed on or before the fifteenth day of the reporting month to each member of the state legislature and to each elected state officer. The remaining copies shall be distributed to those requesting them so long as the supply lasts.

**43.08.160 Report to be printed.** The state treasurer shall cause all such reports to be printed as other public documents are printed and the approval of no other officer of the state shall be necessary in carrying out the purposes of RCW 43.08.150.

## Chapter 43.09

### STATE AUDITOR

#### GENERALLY

**43.09.010 Residence—Office — Bond—Oath.** The state auditor shall reside and keep his office at the seat of government. Before entering upon his duties he shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars,

to be approved by the governor, conditioned for the faithful performance of all duties required of him by law. He shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state.

**43.09.020 Auditor of public accounts—Books and records open to public.** The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.

All books, papers, letters, and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours.

**43.09.030 Assistant—Powers—Bond—Oath.** The state auditor may appoint an assistant state auditor, who may perform any act or duty of the state auditor, and in case of a vacancy in the office of state auditor, he shall perform the duties of the office until the vacancy is filled as provided by law.

The assistant state auditor shall subscribe to and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

The state auditor shall be liable under his official bond for all the official acts of the assistant state auditor, and may revoke such appointment at his pleasure, and may require such assistant to furnish a bond in such sum as the auditor may determine, which shall be made, approved and filed as other state officials' bonds. The assistant state auditor shall be liable on such bond for any malfeasance or misfeasance in his office.

In case action is brought against the state auditor for the official acts of the assistant state auditor, the auditor shall be subrogated to the rights of the state on the bond of the assistant state auditor, and may maintain action thereon.

**43.09.040 Deputy—Oath.** The state auditor may appoint such deputies as he shall deem necessary, who, before entering upon their duties, shall take and subscribe an oath faithfully to perform the duties of such office, which oath shall be endorsed on the appointment and filed in the office of the secretary of state. The appointment may be revoked at the pleasure of the state auditor. The state auditor shall be liable on his official bond for all official acts of his deputies. Deputies shall be paid such salaries as the state auditor may determine.

**43.09.050 General duties of auditor.** The auditor shall:

(1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;

(2) Audit, settle, and adjust the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;

(7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;

(8) Authenticate with his official seal papers issued from his office;

(9) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature.

**43.09.090 Advances.** If any officer or department of the state files with the auditor a surety company bond satisfactory to the auditor, and conditioned for the proper accounting for, and legal expenditure of, any moneys to be advanced, the treasurer may from time to time advance to such officer or department, out of the appropriation for the expenses of such officer or department, such amounts as he deems advisable, not exceeding the principal of such bond, and in no event exceeding two thousand dollars: *Provided*, That the advances by the state treasurer to the state penitentiary and state reformatory to be expended by the superintendents to supply the needs of inmates who are released from custody, as provided by law, shall be in amounts not to exceed five thousand dollars.

**43.09.160 Claims against state—Time for presenting—Setoff in actions by state.** All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled, and allowed, within two years after the claims accrued, and not afterwards. In all actions brought in behalf of the state, no debt or claim shall be allowed against the state as a setoff, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it is proved to

the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness, or unavoidable accident.

**43.09.170 May administer oaths.** The auditor may administer all oaths required by law in matters pertaining to the duties of his office.

**43.09.180 Seal—Copies of documents as evidence.** The auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him, and copies authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence with the same effect as the originals.

### MUNICIPAL CORPORATIONS

**43.09.190 Division of municipal corporations.** There shall be in the office of the state auditor a division to be known as the division of municipal corporations, the principal officer of which shall be the state auditor. He may appoint and deputize an assistant to be known as chief examiner to have charge of the division, subject to the supervision and control of the state auditor.

**43.09.200 Uniform system of accounting.** The state auditor, through such division, shall formulate, prescribe, and install a system of accounting and reporting, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

**43.09.210 Separate accounts for each fund or activity.** Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made

therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

**43.09.220 Separate accounts for public service industries.** Separate accounts shall be kept for every public service industry, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

**43.09.230 Annual reports—Comparative statistics.** The state auditor shall require from every taxing district, and public institution, financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the division within thirty days after the close of each fiscal year, by the auditing department of the taxing district or public institution.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a municipality; (2) a statement of the entire public debt of every taxing district, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified

statement of all receipts and expenditures by any public institution; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, his deputies, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics, which shall be issued for each class of accounts, at the expense of the state, as a public document, and shall be submitted by the state auditor to the governor for transmittal to the legislature at the next regular session, or at a special session when required.

**43.09.240 Public officers and employees—Duty to account and report—Removal from office—Deposit of collections.** Every public officer and employee shall keep all accounts of his office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or wilfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours.

In case a public officer or employee collects or receives funds for the account of a taxing district of which he is an officer or employee, he shall, on Saturday of each week, pay to the proper officer of the taxing district for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

**43.09.250 Appointment of examiners.** After the auditor has formulated and installed the system of uniform accounting in any or all classes of public offices, he may appoint additional assistants as required, who shall be known as state examiners.

**43.09.260 Examination of taxing districts—Reports—Action by attorney general.** The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of townships, cities and towns, and school districts shall be made at least once in every two years; all other examinations shall be made at least once a year.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

**43.09.270 Expense of division, how paid.** The expense of maintaining and operating the division shall be paid out of the state general fund: *Provided*, That those expenses directly related to the



prescribing of accounting systems, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280, and shall be prorated for that purpose equally among all entities directly affected by such service.

**43.09.280 Expense of examination, how paid.** The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the division of municipal corporations: *Provided*, That no expense of classification "Auditor I" may be so certified. If the expense as certified is not paid by any taxing district within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

**43.09.282 Municipal revolving fund.** To facilitate the collection and expenditure of funds for auditing municipal corporations there is hereby created a fund entitled the municipal revolving fund. The state treasurer shall be custodian of the fund. All moneys received by the division of municipal corporations or by any officer or employee thereof shall be deposited with the state treasurer, to be credited to the municipal revolving fund. Such fund shall be administered by the division of municipal corporations and shall be used for payment of the expenses of auditing public accounts.

### Departmental Audits

**43.09.290 Post-audit of state departments—Definitions.** For the purposes of RCW 43.09.290 through 43.09.340 post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law,

and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

**43.09.300 Division of departmental audits—Chief examiner.** There shall be in the office of the state auditor a division to be known as the division of departmental audits. The state auditor may appoint and depute an assistant to be known as chief examiner, who shall have charge and supervision of the division and who may, with the approval of the state auditor, appoint and employ such state examiners and clerical assistants as may be necessary to carry out the duties of the division.

**43.09.310 Annual audit—Reports—Filing.** The state auditor, through the division of departmental audits, shall make a post-audit of every state department at least once each year. A report of each post-audit upon completion thereof, shall be made in quintuplicate, and one copy shall be transmitted to the governor, one to the director of budget, one to the attorney general, one to the state department audited, and one shall be kept on file in the office of the state auditor.

**43.09.320 Expense, how paid.** The expenses incurred in making post-audits shall be paid from an appropriation from the general fund provided by law for that purpose.

**43.09.330 Authority of officials in making audits—Action by attorney general.** The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

If any audit discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state department or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

**43.09.340 Audit of books of state auditor.** The governor may, from time to time, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his control, to be made either by independent qualified public accountants or the director of budget, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

**43.09.350 Record of state property.** The state auditor shall install and maintain in his office on forms to be furnished by the director of budget, and in accordance with classifications prescribed by that officer, a controlling ledger in which shall be entered the valuations of all property, real, personal, and mixed, owned by the state, and keep such ledger continually posted as capital outlays are made by the various officers, institutions, and departments of the state government, and once each year enter therein and charge such depreciation as may be required by uniform system of accounts to be prescribed by the director of budget.

### Chapter 43.10

#### ATTORNEY GENERAL

**43.10.010 Qualifications—Oath—Bond.** No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law, and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law.

**43.10.020 Additional bond—Penalty for failure to furnish.** If the governor deems any bond filed by the attorney general insuf-

ficient, he may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his office may be declared vacant by the governor and filled as provided by law.

**43.10.030 General powers and duties.** The attorney general shall:

(1) Appear for and represent the state before the supreme court in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state.

**43.10.040 Representation of boards, commissions and agencies.**

The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings,

and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county.

**43.10.050 Authority to execute appeal and other bonds.** The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon.

**43.10.060 Appointment and authority of assistants.** The attorney general may appoint necessary assistants, who shall hold office at his pleasure, and who shall have the power to perform any act which the attorney general is authorized by law to perform.

**43.10.065 Employment of attorneys and employees to transact state's legal business.** The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county.

**43.10.067 Employment of attorneys by others restricted.** No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: *Provided*, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the state law library, the law school of the state university, or the administration of the state bar act by the Washington State Bar Association.

The authority granted by chapter 1.08 RCW, RCW 44.24.050, and RCW 44.28.140 shall not be affected hereby.

**43.10.070 Compensation of assistants, attorneys and employees.** The attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney

general, not however in excess of the amount made available to the department by law for legal services.

**43.10.080 Employment of experts, technicians.** The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings.

**43.10.090 Criminal investigations—Supervision.** Upon the written request of the governor the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized or directed by the attorney general.

**43.10.100 Biennial report.** The attorney general shall prepare and report to the governor and the legislature, at or before the convening of each biennial session, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper.

**43.10.110 Other powers and duties.** The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law.

## Chapter 43.12

### COMMISSIONER OF PUBLIC LANDS

**43.12.010 Powers and duties—Generally.** The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law.

**Chapter 43.17****ADMINISTRATIVE DEPARTMENTS AND AGENCIES—  
GENERAL PROVISIONS**

**43.17.010 Departments created.** There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of licenses, (8) the department of fisheries, (9) the department of game, (10) the department of highways, (11) the department of general administration and (12) the department of commerce and economic development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**43.17.020 Chief executive officers—Appointment.** There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of conservation, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of licenses, (8) the director of fisheries, (9) the director of game, (10) the director of highways, (11) the director of general administration and (12) the director of commerce and economic development.

Such officers, except the director of highways, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission.

**43.17.030 Powers and duties—Oath.** The directors of the several departments shall exercise such powers and perform such executive and administrative duties as are provided by law.

Each appointive officer before entering upon the duties of his office shall take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state.

**43.17.040 Chief assistant director—Powers.** The director of each department may, from time to time, designate and deputize one of the assistant directors of his department to act as the chief

assistant director, who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

**43.17.050 Office at capital—Branch offices.** Each department shall maintain its principal office at the state capital. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

The governor, in his discretion, may require all administrative departments of the state and the appointive officers thereof, other than those created by this chapter, to maintain their principal offices at the state capital in rooms to be furnished by the director of general administration.

**43.17.060 Departmental rules and regulations.** The director of each department may prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

**43.17.070 Administrative committees.** There shall be administrative committees of the state government, which shall be known as, (1) the state finance committee, (2) the state capitol committee, and (3) the state voting machine committee.

**43.17.080 Administrative board—How constituted.** The governor and the directors of the several departments shall constitute the administrative board. The governor shall be chairman of the board.

The board may adopt general rules and regulations for the transaction of business and provide for such committees as may be deemed expedient to facilitate the work of the board, the members of which shall be appointed by the chairman.

A vote of a majority of the entire membership of the board shall be necessary to exercise any of the administrative powers, or perform any of the administrative duties vested in, or required to be performed by, the board.

A majority of the board shall constitute a quorum, and a majority of those present at any meeting of the board may determine and advise as to questions of policy in the administration of any of the departments submitted to the board by any member thereof. The board shall meet at the call of the governor.



**43.17.090 Administrative board—Powers and duties.** The administrative board shall:

(1) From time to time, systematize and unify the administrative duties of the departments of the state government and make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond.

**43.17.100 Official bonds.** Before entering upon the discharge of the duties of his office or employment, every appointive state officer and employee of the state shall give a surety bond, payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the administrative board, conditioned for the faithful performance of the duties of the office or employment, and accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and as to sufficiency by the administrative board, and shall be filed in the office of the secretary of state.

**43.17.110 Data, information, interdepartmental assistance.** Where power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, such other department or officer shall submit to such inspection or examination, and furnish the data, information, or assistance required.

**43.17.120 Designation of agency to carry out federal social security disability program.** Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal social security act, as amended, relating to the making of determinations of disability under title II of such act.

**43.17.130 ———Appointment of personnel.** The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of RCW 43.17.120 and 43.17.130.

**Chapter 43.19****DEPARTMENT OF GENERAL ADMINISTRATION**

**43.19.010 Divisions of department—Authority and salary of director.** The department of general administration shall be organized into five divisions, to be known as, (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, and (5) the division of engineering and architecture.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

**43.19.015 Certain powers and duties of director of public institutions transferred to director of general administration.** The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 concerning savings and loan associations; chapter 39.32 concerning purchase of federal property; chapters 40.08 and 40.12 concerning archives; chapter 43.90 concerning central stores and chapter 73.12 concerning veterans' loan insurance.

**43.19.020 Supervisor of banking—Appointment—Qualifications—Examiners.** The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder.

**43.19.030 Oath and bond of examiners—Liability for acts performed in good faith.** Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the administrative board, with a surety company authorized to do business in this state, as surety, conditioned for

the faithful performance of his duties. The premiums on such bonds shall be paid by the state.

Oaths and bonds shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties.

**43.19.040 Powers and duties—Division of banking.** The director of general administration, through the division of banking, shall exercise all the powers and perform all the duties prescribed by law with respect to banks and trust companies, mutual savings banks, loan agencies and other similar institutions.

**43.19.050 Office of supervisor of banking—Record of receipts and disbursements—Seal.** The supervisor of banking shall maintain an office at the state capitol, but may with the consent of the governor also maintain an office at some other convenient banking center in this state. He shall keep books of record of all moneys received or disbursed by him. He shall adopt an official seal.

**43.19.060 Secrecy enjoined as to banks and trust companies—Exceptions—Penalty.** Neither the supervisor nor any person connected with his division shall disclose any information obtained from any bank or trust company to any person not connected with the division, except federal, federal reserve bank, state or clearing house bank examiners, or to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

**43.19.070 Secrecy enjoined as to mutual savings banks—Exceptions—Penalty.** Neither the supervisor nor any person connected with his division shall disclose any information obtained from any mutual savings bank to any person not connected with the division except to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

**43.19.080 Borrowing money by supervisor, deputy or employee—Penalty.** It shall be unlawful for the supervisor or any deputy or employee of his division to borrow money from any bank or trust company under his jurisdiction. Every person who violates this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

**43.19.090 Supervisor's annual report—Contents—Publication—Distribution.** The supervisor shall file in his office all reports re-

quired to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them and on or before the first day of February of each year make a report for the preceding year to the governor showing:

- (1) A summary of the conditions of the banks and trust companies at the date of their last report;
- (2) A list of those organized or closed during the year;
- (3) The amount of money collected and expended by him.

He shall publish annually at the expense of his division, in pamphlet form, at least five hundred copies of such report and shall furnish a copy thereof free to each bank and trust company, and may furnish them to other interested persons. He shall publish such other statements, reports, and pamphlets as he deems advisable.

**43.19.100 Supervisor of savings and loan associations—Appointment—Qualifications.** The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical experience in savings and loan employment, examination, or supervision.

**43.19.110 Powers and duties—Division of savings and loan associations.** The director of general administration, through the division of savings and loan associations, shall exercise all the powers and perform all the duties prescribed by law with respect to savings and loan associations, credit unions, and other similar institutions.

**43.19.120 Secrecy enjoined as to associations—Exceptions—Penalty.** The information obtained by the supervisor or any of his examiners or agents shall be deemed confidential and any supervisor, examiner, or agent who wilfully circulates or transmits to another, other than in the course of duty to the institution examined and to his superior officer, and to the officials of the institution examined, any information so obtained shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to the preparation and publication of the usual statistical reports of the supervisor or

to the furnishing of any such information to any state or federal department or agency.

**43.19.125 Powers and duties—Division of capitol buildings.** The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

**43.19.180 Supervisor of purchasing—Appointment — Personnel.** The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of purchasing, who shall have charge and supervision of the division of purchasing.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

**43.19.190 Division of purchasing—Powers and duties.** The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided, however,* That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges and universities: *Provided further,* That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided,* That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the state purchasing committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications when approved by the purchasing committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

**43.19.1902 State purchasing committee.** There is hereby created a state purchasing committee which shall consist of seven members as follows: The director of general administration as chairman and executive officer, who shall be responsible for the execution of all policies established by the committee, and a representative from each of the following six state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of institutions, the department of natural resources, the University of Washington, Washington State University and the central budget agency. Members of the committee shall serve without additional compensation and at the pleasure of the governor. Four members of the committee shall constitute a quorum. The committee shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

**43.19.1904 State purchasing committee—Powers and duties.** The state purchasing committee shall have the following powers and duties:

(1) Review and approve standards and specifications for all items of material, supplies and equipment of common usage in state agencies;

(2) Review and approve specifications for specific items of

material, supplies and equipment referred to it by the division of purchasing;

(3) Review and approve standards for the purchase, replacement and repair of automotive equipment consistent with the needs and location of state agencies;

(4) Review and approve a uniform system of inventory control for material, supplies and equipment;

(5) Act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal;

(6) The findings and actions of the committee shall be binding upon the respective state agencies including all offices, institutions, and departments, and public funds shall not be expended by any agency for substitutions for material, supplies and equipment for which standards have been established by the committee unless prior written approval is obtained from the division of purchasing.

**43.19.1906 Competitive bids—Sealed bids, exceptions.** Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the director of general administration through the division of purchasing and under the powers granted by RCW 43.19.190 through 43.19.1939: *Provided*, That sealed competitive bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; and

(2) Purchases not exceeding five hundred dollars but in all such purchases quotations shall be secured from enough vendors to assure establishment of a competitive price; and

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services or market conditions, in which instances the purchase price may be best established by direct negotiation.

**43.19.1908 Bids—Solicitation, notices—Qualified bidders—Writing.** Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing.

**43.19.1911 Letting contract—Lowest responsible bidder, determination—Public inspection of bids.** When purchases are made

through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: *Provided*, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract.

**43.19.1913 Rejection of bid for previous unsatisfactory performance.** The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state.

**43.19.1915 Bidder's bond—Annual bid bond.** When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

**43.19.1917 Records of equipment owned by state—Inspection—"State equipment" defined.** The director of general administration, through the division of purchasing, shall maintain a perpetual record of ownership of state owned equipment, which shall be



available in the division of purchasing for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state agencies owning the equipment, or to such other special investigators and others as the governor may direct.

All state agencies shall account to the division of purchasing at any and all times for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

**43.19.1919 Sale, exchange, of unneeded personal property.** The division of purchasing shall sell or exchange personal property belonging to the state for which the office, department, or institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: *Provided*, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939.

**43.19.1921 Central stores warehouse facilities—Central maintenance, repair, etc.—Sales, exchanges, between state agencies.** The director of general administration, through the division of purchasing, shall:

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may

not be expended through central stores without prior approval of the central budget agency.

**43.19.1923 Central stores revolving fund—Transfer of moneys from prior fund.** There is created within the division of purchasing of the department of general administration a revolving fund to be known as the “central stores revolving fund”, which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section.

**43.19.1925 Combined purchases of commonly used items—Advance payments by state agencies—Costs of operating central stores.** To supply such funds as may be necessary for making combined purchases of items of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies and equipment. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies and equipment as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores.

**43.19.1927 Deposit of central stores revolving fund.** The central stores revolving fund shall be deposited in such banks and financial institutions as may be selected by the state treasurer, which shall furnish to him surety bonds or collateral eligible as security for the deposit of state funds, in at least the full amount of deposit in each such bank or financial institution.

**43.19.1935 Insurance, public official bonds, procurement.** As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such

insurance and public official bonds: *Provided*, That the individual public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the administrative board.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor.

**43.19.1937 Acceptance of benefits, gifts, etc., prohibited—Penalties.** No member of the state purchasing committee and no state employee whose duties include:

(1) Advising on or drawing specifications for supplies, equipment, commodities or services;

(2) Suggesting or determining vendors to be placed upon a bid list;

(3) Drawing requisitions for supplies, equipment, commodities or services;

(4) Evaluating specifications or bids and suggesting or determining awards; or

(5) Accepting the receipt of supplies, equipment and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a financial benefit, or accept any gift, token, membership or service, as a result of a purchase entered into by the state, from any person, firm or corporation engaged in the sale, lease or rental of property, material, supplies, equipment, commodities or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

**43.19.1939 Unlawful to offer, give, accept, benefits as inducement for or to refrain from bidding—Penalty.** When any competitive bid or bids are to be or have been solicited, requested, or adver-

tised for by the state under the provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor.

**43.19.200 Duty of others in relation to purchases—Emergency purchases.** The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

**43.19.210 Estimates—Approval of director of budget.** Before any requisition or estimate for the purchase of materials or supplies shall be acted upon by the division of purchasing, it shall be referred to the director of budget for investigation, (1) as to the condition of the allotment for the state department submitting the requisition or estimate, (2) as to whether the proposed expenditure has been authorized by an approved allotment or supplemental

allotment to such department and (3) as to whether the amount of the proposed expenditure will cause the allotment or supplemental allotment to be exceeded.

If the director of budget finds that any proposed expenditure is not in accord with an approved allotment for such department he shall endorse his findings upon the voucher or estimate and the same shall forthwith be returned to the forwarding state department.

**43.19.255** Section 1, chapter 169, Laws of 1953 and RCW 43.19.255 are each redesignated as RCW 72.01.042 and added to chapter 28, Laws of 1959 and Title 72 RCW to read as follows:

72.01.042 Hours of labor for full time employees—Compensatory time—Premium pay. The hours of labor for each full time employee of the department of institutions shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: *Provided*, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: *Provided further*, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations to be established by the director of institutions.

**43.19.256** Section 2, chapter 169, Laws of 1953 and RCW 43.19.256 are each redesignated as RCW 72.01.043 and added to chapter 28, Laws of 1959 and Title 72 RCW to read as follows:

72.01.043 ————Certain personnel excepted. RCW 72.01.042 shall not be applicable to the administrative officers of the department of institutions; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated by the department of institutions with the concurrence of the merit system board having jurisdiction.

**43.19.450 Supervisor of engineering and architecture—Qualifications—Appointment—Powers and duties.** The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint

and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of institutions, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of institutions, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of institutions, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of institutions, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

### Chapter 43.20

#### DEPARTMENT OF HEALTH—STATE BOARD OF HEALTH

**43.20.010 Powers and duties of director—General.** The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Devote his time to the investigation of sanitary conditions and the prevalence of disease in the state;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate all epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Supervise all measures taken by local health officers for the suppression and control of disease;

(6) Have the same authority as local health officers to quarantine and disinfect persons, articles of household goods, merchandise, buildings, or watercraft, except that he shall not exercise such authority unless the local health officer fails to do so, or when in an emergency the safety of the public health demands it. He may release any quarantine, whether ordered by himself or by a local health officer, when in his opinion it is no longer necessary;

(7) At least semiannually, visit and inspect each of the state institutions, ascertain the sanitary and health conditions existing thereat, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor.

**43.20.020 Qualifications.** The director of health shall be an experienced physician.

**43.20.030 State board of health—Authority of director.** The director of health and four other persons experienced in matters of health and sanitation, to be appointed by the governor, shall constitute the state board of health.

The director shall be chairman and executive officer of the board and, with the advice and assistance of the board, shall have charge and supervision of the department of health.

**43.20.040 Registrar of vital statistics—Other personnel.** The director of health shall appoint the registrar of vital statistics, who shall be the secretary of the state board of health.

The director may appoint and employ such deputies, scientific experts, sanitary engineers, quarantine officers, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

**43.20.050 Powers and duties of board of health.** The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

It shall have supreme authority in matters of quarantine, and may declare and enforce it when none exists, or may modify, relax, or abolish it when it has been established.

The board may have special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased

persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also make and enforce orders in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or when no local board has been established, and all expenses so incurred shall be paid by the county in which such services are rendered, out of the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce such quarantine and sanitary rules and regulations as may be adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. It shall respond promptly, when called upon by health officers to investigate and report upon the water supply, sewerage system, heating, plumbing, or ventilation of any place or public building.

**43.20.060 Annual convention of health officers.** The director of health shall hold annually a convention of county health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health and sanitation, which shall continue in session for such time not exceeding three days as the director deems necessary.

The health officer of each county shall attend such convention during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the attendance of the claimant.

**43.20.070 Registration of vital statistics.** The director of health shall have charge of the state system of registration of births and deaths and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

**43.20.080 Duties of registrar.** The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare



and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, and fetal deaths registered.

**43.20.090 Certified copies of birth or death certificates—Fee—Restrictions.** The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, or fetal death, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of two dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth, death, or fetal death for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of two dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of

the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

**43.20.100 Annual report.** The state board of health shall make an annual report to the governor on or before the first day of January of each year, including therein so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions as may be thought useful by the board for dissemination among the people, with suggestions for such legislative action as it deems necessary.

**43.20.110 Federal act on maternal and infancy hygiene accepted.** The provisions of the act of congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, are hereby accepted by the state of Washington.

**43.20.120 Division of child hygiene created.** There shall be in the department of health, a division of child hygiene. The director of health, through the division of child hygiene, shall administer the provisions of said act of congress within this state.

**43.20.130 Services to crippled children.** It shall be the duty of the director of health and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal gov-

ernment, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes.

**43.20.140 Rules and regulations.** The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of RCW 43.20.130.

## Chapter 43.21

### DEPARTMENT OF CONSERVATION

**43.21.010 Divisions of department.** The department of conservation shall be organized into six divisions, to be known as, (1) the division of geology, (2) the division of mines, (3) the division of reclamation, (4) the division of water resources, (5) the division of flood control, and (6) the division of power resources.

The director of conservation may appoint such clerical and other assistants as may be necessary for the general administration of the department.

**43.21.040 Supervisor of geology—Appointment—Personnel.** The director of conservation shall appoint and depute an assistant director, to be known as the supervisor of geology, who shall have charge and supervision of the division of geology.

With the approval of the director, he may appoint and employ such field experts, surveyors, clerks, and other assistants as may be necessary to carry on the work of the division.

**43.21.050 Powers and duties.** The director of conservation, through the division of geology, shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law.

**43.21.060 Supervisor of mines — Appointment — Qualifications.** The director of conservation shall appoint and depute an assistant director, to be known as the supervisor of mines, who shall have charge and supervision of the division of mines. With the approval of the director, he may appoint such assistants, experts and other personnel as may be necessary to carry on the work of the division.

The supervisor shall be a competent mining engineer having practical knowledge of the mineral resources and potential possibilities for development of the mining industry in the state.

**43.21.070 Powers and duties.** The director of conservation, through the division of mines, shall:

(1) Collect, compile, publish, and disseminate statistics and information relating to mining, milling, and metallurgy;

(2) Make special studies of the mineral resources and industries of the state;

(3) Collect and assemble an exhibit of mineral specimens, both metallic and nonmetallic, especially those of economic and commercial importance; such collection to constitute the museum of mining and mineral development;

(4) Collect and assemble a library pertaining to mining, milling, and metallurgy of books, reports, drawings, tracings, and maps and other information relating to the mineral industry and the arts and sciences of mining and metallurgy;

(5) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes;

(6) Issue bulletins and reports with illustrations and maps with detailed description of the natural mineral resources of the state;

(7) Preserve and maintain such collections and library open to the public for reference and examination and maintain a bureau of general information concerning the mineral and mining industry of the state, and issue from time to time at cost of publication and distribution such bulletins as may be deemed advisable relating to the statistics and technology of minerals and the mining industry;

(8) Make determinative examinations of ores and minerals, and consider other scientific and economical problems relating to mining and metallurgy;

(9) Cooperate with all departments of the state government, state educational institutions, the United States geological survey and the United States bureau of mines. All departments of the state government and educational institutions shall render full cooperation to the director in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department of conservation.

**43.21.080 Gifts and bequests.** The director may receive on behalf of the state, for the benefit of mining and mineral development, gifts, bequests, devises, and legacies of real or personal property and use them in accordance with the wishes of the donors and manage, use, and dispose of them for the best interests of mining and mineral development.

**43.21.090 Collection of minerals for exhibition.** The director may, from time to time, prepare special collections of ores and minerals representative of the mineral industry of the state to be

displayed or used at any world fair, exposition, mining congress, or state exhibition, in order to promote information relating to the mineral wealth of the state.

**43.21.100 Supervisor of reclamation—Appointment—Personnel.**

The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of reclamation, who shall have charge and supervision of the division of reclamation.

With the approval of the director, he may appoint and employ such engineers, experts, accountants, clerks, and other assistants as may be necessary to carry on the work of the division.

**43.21.110 Powers and duties.** The director of conservation, through the division of reclamation, shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law.

**43.21.120 Supervisor of water resources—Appointment—Personnel.** The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of water resources, who shall have charge and supervision of the division of water resources.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division.

**43.21.130 Division of water resources—Powers and duties.** The director of conservation, through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03;

(9) He shall perform such other duties as may be prescribed by law.

**43.21.140 "Stream gauging fund" created.** The director of conservation, through the division of water resources, may create within his department a trust fund to be known as the "stream gauging fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the stream gauging fund shall be on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey.

**43.21.150 Supervisor of flood control—Appointment—Personnel.** The director of conservation shall appoint an assistant director, to be known as the supervisor of flood control, who shall have charge and supervision of the division of flood control.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division.

**43.21.160 Powers and duties.** The director of conservation, through the division of flood control, shall exercise all the powers

and perform all the duties prescribed by law with respect to flood control.

**43.21.190 Master plan of development.** The director shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the director a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The director shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

**43.21.200 ———Public hearings.** The director may hold public hearings, in connection with any duty prescribed in RCW 43.21.190 and may compel the attendance of witnesses and the production of evidence.

**43.21.210 Joint hearings—Appeals.** The director of conservation, the supervisor of water resources, and the supervisor of reclamation shall jointly hear and decide, by a majority vote, all matters arising in the division of reclamation, which the director or the supervisor of reclamation deems to be of sufficient importance to require their joint action; and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of the supervisor of reclamation shall, by request in writing, ask for a joint decision.

Nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director, the supervisor of reclamation, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

**43.21.220 Division of power resources—Powers and duties—Transfer of records, etc., from power commission to division.** The

department of conservation, through the division of power resources, shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director of conservation may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He may cause designs for any such plant to be prepared. He shall employ such engineers and other experts and assistants as may be necessary to carry on the work of the division of power resources. All reports, surveys, books, records and papers heretofore in possession or control of the Washington state power commission shall hereafter be in the custody of the division of power resources. All studies, surveys, information and statistics assembled by the division, including those formerly in possession or control of the Washington state power commission, shall be available to the public for reference.

**43.21.230 Development of resources—Cooperation with governmental units.** The director of conservation may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest insofar as they affect electric power and to this end he shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region.

**43.21.240 Power advisory committee.** There shall be a power advisory committee consisting of five members appointed by the governor to serve at his pleasure. Such members shall be representative of the power industry from different geographical areas of the state. They shall consult with and advise the director of conservation on matters pertaining to the division of power resources. They shall receive the same compensation for services and expenses as provided for members of the Columbia Basin commission.

**43.21.250 Steam electric generating plant—Study—Construction—Duty of advisory committee.** The director of conservation shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director of conservation, the director of conservation may construct such plant at a site determined by him to be feasible and operate it as a state owned facility. The advisory committee provided for in RCW 43.21.240 shall advise the director of conservation in connection with the steam electric generating plant provided for herein.



**43.21.260 ———Statement of intention—Construction by public utility, operating agency, or the department, procedure—Powers of director of commerce and economic development.** Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of commerce and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of commerce and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of commerce and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility.

**43.21.270 ———Powers of director in constructing, operating and maintaining.** In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21.250 the director of conservation shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director of conservation shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director of conservation. When any revenue bonds or warrants are outstanding the director of conservation shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director of conservation is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director of conservation and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director of conservation may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such man-

ager and employees shall be appointed for an indefinite time and be removable at the will of the director.

**43.21.280 ———Eminent domain.** For the purpose of carrying out any or all of the powers herein granted the director of conservation shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21.250 through 43.21.410 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04. The director of conservation may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director of conservation into possession of any property condemned.

**43.21.290 ———State not financially obligated — Separation and expenditure of funds.** The director of conservation shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21.250 through 43.21.410.

No revenues received by the director of conservation for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director of conservation and all such revenues and receipts shall be kept and maintained in a separate fund.

**43.21.300 ———Revenue bonds and warrants.** For the purposes provided for in RCW 43.21.250 through 43.21.410, the state finance committee shall, upon being notified to do so by the director of conservation, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21.250. When the director of conservation deems it advisable that he acquire or construct said steam electric plant or make additions or betterments thereto, he shall so notify the state finance committee and he shall also notify the state finance committee as to the

plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21.250 through 43.21.410 shall distinctly state that they are not a general obligation of the state.

**43.21.310** ————**Special funds—Payment of bonds, interest.** When the state finance committee issues revenue bonds as provided in RCW 43.21.300, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director of conservation to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine.

**43.21.320** ————**Considerations in issuance of bonds, limitations.** In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director of conservation will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued

against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it.

**43.21.330 ————Resolution authorizing issuance of bonds, contents, covenants.** The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director of conservation from the operation, ownership, and management of its steam electric utility.

**43.21.340 ————Sale of bonds.** All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the

highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. The aggregate interest cost to maturity of the money received for such an issue shall not exceed six percent per annum.

**43.21.350 ——— Examination, registration of bonds by state auditor—Defects, irregularities.** Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof.

**43.21.360 ——— Rates or charges.** When revenue bonds are outstanding the director of conservation shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal or interest on revenue bonds outstanding, and all payments which the director of conservation is obligated to make to the state treasurer for deposit in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof.

**43.21.370 ——— Refunding revenue bonds.** When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director of conservation, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds shall be payable only out of a special fund created out of the gross revenue of the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of

the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21.250 through 43.21.410 with respect to revenue bonds.

**43.21.380 ———Signatures on bonds.** All revenue bonds, including refunding revenue bonds, shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers.

**43.21.390 ———Provisions of law, resolution, a contract with bondholder—Enforcement.** The provisions of RCW 43.21.250 through 43.21.410 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21.250 through 43.21.410 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction.

**43.21.400 ———Bonds are legal security, investment, negotiable.** All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law.

**43.21.410 ———Director not authorized to acquire other facilities or engage in retail distribution.** Nothing in RCW 43.21.250 through 43.21.410 shall authorize or empower the director of conservation to purchase or acquire any transmission or distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation.

**Chapter 43.22****DEPARTMENT OF LABOR AND INDUSTRIES**

**43.22.010 Divisions of department—Personnel.** The department of labor and industries shall be organized into four divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, and, (4) the division of industrial relations.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

**43.22.020 Supervisor of industrial insurance—Appointment—Personnel.** The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance.

With the approval of the director, he may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

**43.22.030 Powers and duties.** The director of labor and industries, through the division of industrial insurance, shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state.

**43.22.040 Supervisor of safety—Appointment—Personnel.** The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of safety, who shall have charge and supervision of the division of safety.

The supervisor of safety, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

**43.22.050 Powers and duties.** The director of labor and industries, through the division of safety, shall:



(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: *Provided, however,* This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof;

(4) Have charge and supervision of the inspection of hotels as provided by law.

**43.22.060 Frequency of hotel inspection—Record.** The director, through the division of safety, shall see that every hotel is inspected at least annually. The director, supervisor, or authorized representative, are given police power to enter any hotel at reasonable hours for the purpose of inspection. As used in RCW 43.22.070 through 43.22.110, the words “inspector” and “hotel inspector” mean the authorized representative of the director.

He shall keep a complete set of books, showing the condition of each hotel inspected, the name of the owner, proprietor, and manager, the number and condition of its fire escapes and any other information which might serve to better the public service. The books shall be open to public inspection.

**43.22.070 Certificate of inspection.** If the director finds after examination of any hotel that the law has been fully complied with, and the inspection fee has been paid to the inspector, he shall issue a certificate to that effect to the operator, which shall be kept posted up in a conspicuous place in the hotel.

**43.22.080 Penalty for false certificate.** Any person charged with the inspection of hotels who wilfully certifies falsely regarding any building inspected by him, and who issues a certificate to any person operating a hotel when such person has not complied with the provisions of law shall, on conviction thereof, be fined not less than fifty dollars, nor more than five hundred dollars, and may be imprisoned not to exceed one year in the county jail, or both, and upon conviction shall be forever disqualified to hold office as a hotel inspector.

**43.22.090 Penalty for obstructing inspection.** Any owner, manager, agent, or person in charge of a hotel who obstructs or hinders an inspector in the proper discharge of his duties under this chapter shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not less than ten days, nor more than three months, or both.

**43.22.100 Prosecution for violations.** The director, upon ascertaining that any hotel is being conducted contrary to the provisions of law shall make complaint and cause the arrest of the violator, and the prosecuting attorney in such case shall prepare all necessary papers and conduct the prosecution.

**43.22.110 Fees—Collection and disposition.** The hotel inspector shall collect an annual inspection fee for each hotel which shall be paid according to the following schedule:

Hotels containing from five to ten sleeping rooms inclusive, three dollars; hotels containing from eleven to twenty sleeping rooms inclusive, four dollars; hotels containing from twenty-one to sixty sleeping rooms inclusive, seven dollars; hotels containing from sixty-one to one hundred sleeping rooms inclusive, ten dollars; hotels containing over one hundred sleeping rooms, twelve dollars and fifty cents.

Such fee shall be collected by the inspector at the time of the inspection and if not paid upon demand the inspector or deputy may sue therefor in his own name for the use of the state in the superior court of the state for the county in which the hotel is situated, and in such case, the court shall allow and enter as a part of the judgment against the defendant all the costs of the action, including a reasonable fee for any attorney necessarily employed in such action by the inspector.

Such inspection fee shall be a lien on the furniture and equipment of the owner of the hotel and shall be paramount to all other liens excepting taxes and such furniture and equipment shall not be exempt from execution in the collection thereof.

All moneys collected under the provisions of this chapter shall be paid into the state treasury in the manner provided by law.

**43.22.120 Division of mining safety—Composition—Chief mine inspector in charge.** The division of mining safety shall consist of the state mining board, the chief state mine inspector, and not to exceed two deputy state mine inspectors.

The director of labor and industries shall appoint the members of the state mining board, and the chief state mine inspector, who shall have the qualifications provided by law.

The chief state mine inspector shall have charge of the division of mining safety, and with the approval of the director, may appoint deputy state mine inspectors, who shall have the qualifications provided by law, and may employ such clerical assistants as are necessary to carry on the work of the division.

**43.22.130 Appointment of mining board—Qualifications—Oath—Compensation.** The director shall appoint a state mining board to pass upon the qualifications of applicants for the positions of chief state mine inspector and deputy state mine inspectors. The board shall consist of one practical coal miner, one mine manager or superintendent, and one practical coal mining engineer, actively engaged in the practice of his profession. All members of the board shall be citizens of the United States and of the state, and shall have had at least three years' practical experience in or about coal mines of this state.

The appointments to the board shall expire on April 1, 1929, and a new board shall be appointed on that date, and every four years thereafter.

Any member may be removed by the director at any time for cause. A vacancy on the board shall be filled by the director within two months after its occurrence.

The members of the board shall take the following oath of office: "We do solemnly swear, or affirm, that we are citizens of the United States and of the state of Washington and that we will perform the duties devolving on us to the best of our ability, and that in giving or refusing certificates of competency as mine inspector, mine foreman, assistant mine foreman or fire boss, we will be governed entirely by the evidence of fitness of the applicant, as defined in the state mining laws; that we will certify all whom we find qualified, and who have passed the required examination, to the best of our knowledge and judgment."

The board members shall each receive ten dollars a day, and their actual and necessary traveling expenses for the time actually engaged in the performance of their duties, to be paid out of the general fund of the state. The expenses for stenographic work and printing of the board shall be paid in like manner.

The chief state mine inspector shall furnish, from his office maintenance fund, such blanks, blank books, stationery, and similar supplies as are needed by the board.

**43.22.140 Examinations for mine inspectors.** The board shall examine into the qualifications of all applicants for appointment to the position of chief state mine inspector and deputy state mine inspector, by conducting a thorough examination as to the knowledge of laws applying to mines in the state, on mine working, ventilation, gases, machinery, first aid and mine rescue work, educational standards for coal mining, and actual experience in underground mining, and acquaint itself with the person, character, habits, and general worthiness of each applicant. The general examination shall be in writing, and all papers of the applicants, together with the tally sheets solution of each question as given by the board, shall be filed with the secretary of state as public documents. The applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, mine fires, mine rescue appliances, educational standards for coal mining, and general mining subjects, including the laws of the state applying to coal mines. The board shall confine the examination to questions as designated herein. All candidates shall be allowed the use of such textbooks as the board may deem proper during the examination. The board shall, immediately after the examination, furnish to each person examined, a copy of all questions, whether oral or written, which were given at the examination, each question to be marked: "Solved right"; "Imperfect"; or "Wrong," as the case may be.

Each candidate shall receive a certificate of competency showing his percentage, if he makes an average of seventy-five percent on the examination, credits to be given as follows:

|  |           |
|--|-----------|
| Practical experience, worthiness, and general fitness..... | 40 points |
| Written examination .....                                  | 40 points |
| Oral examination .....                                     | 20 points |

The board shall file with the director and with the chief state mine inspector names of all persons given certificates of competency as mine inspectors: *Provided*, That anyone who has satisfactorily served as state coal mine inspector in the state for one full term of four years, upon making written application to the board setting forth these facts, shall be certified to the director and chief state mine inspector as properly qualified for appointment.

**43.22.150 Exception for those passing first class certificate examination.** An applicant for a license as a mine inspector who takes the examination for a first class certificate, as prescribed by law, and successfully passes such examination, shall be entitled to a

mine inspector's certificate of competency if he has the other qualifications required by law.

**43.22.160 Applications for examination—Affidavit.** Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that he has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that he has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. He shall also furnish an affidavit from two citizens of the state that he is a man of good repute, temperate habits, in good physical condition, and above thirty years of age.

**43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors.** At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a man who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors men who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any

deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306].

**43.22.190 Salaries and expenses of inspectors—duties.** The salary of chief state mine inspector shall be five thousand dollars per annum, and the salary of each deputy state mine inspector shall be such sum as shall be fixed by the director of labor and industries, not to exceed four thousand four hundred dollars per annum. The chief inspector and his deputies shall be allowed their necessary expenses for office maintenance, stenographic services, and for equipment and instruments, as well as for actual and necessary traveling expenses while in the performance of their duties, under the provisions of this act [1917 c 36]. The state treasurer is hereby authorized and directed to draw his warrant on the state treasury in favor of the chief state mine inspector and his deputies for the amounts due them for their salaries monthly, and also for their expenses, upon proper vouchers, to be paid out of any moneys in the state treasury appropriated for that purpose.

The chief state mine inspector and his deputies shall devote their entire time to the duties of their respective offices; they shall have no financial interest, direct or indirect, in any mine under the supervision of the division of mining safety.

The chief state mine inspector and his deputies shall, before entering upon the discharge of their duties, each take an oath to discharge their duties impartially and with fidelity and to the best of their knowledge and ability.

It shall be the duty of the chief state mine inspector and his deputies to enforce the provisions of this act [1917 c 36], for the regulation of coal mines, and the educational standards for coal mines and coal mining, unless enforcement is otherwise especially provided for.

**43.22.200 Right of entry to inspect.** The chief inspector or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit.

**43.22.210 Frequency of inspections—Compelling access—Investigations—Removal of offending inspectors.** (1) It shall be the duty

of the said inspector or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The mine inspector or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the inspection department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the inspection department to enter any mine, the inspector or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the mine inspector or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, said inspector shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the inspector shall, through the prosecuting attorney of the county in which the mine is located, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: *Provided*, That if the said court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the county in which the mine is located: *Provided, also*, That should any inspector find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, said inspector shall have the right to temporarily

withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the inspector shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The mine inspector or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the inspection department. To enable the mine inspector or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the county in which such accident has occurred, in the same manner as the costs of the coroner's inquests or investigations are paid.

(6) During his absence from the state on official business, or at such times as he may be incapacitated by illness, or by other causes, the mine inspector shall have the authority to designate his deputy to act as mine inspector.

(7) Whenever a properly signed and executed petition is filed in the superior court, stating that the mine inspector, or his deputy, has neglected his duties, or is incompetent, or is guilty of malfeasance in office, it shall be the duty of said court to issue a citation in the name of the state to said inspector to appear (at not less than five days' notice) on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners. Such action shall be prosecuted by the county attorney.

(8) The above mentioned petition shall be signed by twenty residents of the state, reputable citizens who are employed in or about the mines, or who are engaged in the operations of mines. It shall be accompanied by the affidavits of two or more of the petitioners, and by a bond in the sum of five hundred dollars, running to the state.

(9) If the court finds that the said mine inspector or his deputy is neglectful of his duties or is incompetent to perform the duties of his office, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant. This office shall then be filled in compliance with the provisions of this act [1917 c 36].

(10) If the charges are not proved the costs of the investigation shall be imposed on the petitioners. If the charges are proved the costs of the investigation shall be paid by the county in which the charges are preferred.

**43.22.250 Annual reports.** The chief state mine inspector shall transmit an annual report of the division of mining safety for the



previous calendar year to the director, on or before the first day of March in each year.

The director shall see that the report is placed in the hands of the state printer for publication and that at least two thousand copies thereof are printed, before the 1st of April of each year.

**43.22.260 Supervisor of industrial relations — Appointment— Personnel.** The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and a female assistant to be known as the supervisor of women in industry, and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

**43.22.270 Powers and duties.** The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of women and minors;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

**43.22.280 Industrial welfare committee—Powers and duties.** The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law.

**43.22.290 Reports by employers.** Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

**43.22.300 Compelling attendance of witnesses and testimony.** The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

Any person duly subpoenaed under the provisions of this section who wilfully neglects or refuses to attend or testify at the time and place named in the subpoena, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less

than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

**43.22.310 Access to plants—Penalty for refusal.** The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his agent who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days.

**43.22.320 Joint hearings—Appeals.** The director of labor and industries, the supervisor of industrial insurance, and the supervisor of safety shall jointly hear and decide, by a majority vote, all matters arising in either the division of industrial insurance or the division of safety, which the director of labor and industries or the supervisor of industrial insurance or the supervisor of safety, respectively, deems to be of sufficient importance to require their joint action, and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of either the supervisor of industrial insurance or the supervisor of safety shall, by request in writing, ask for a joint decision. Nothing herein contained shall be construed to deprive any person feeling himself aggrieved by any decision of either the director of labor and industries, the supervisor of industrial insurance or the supervisor of safety, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

**43.22.330 Biennial report.** The director of labor and industries shall submit to the governor on or before the first Monday in January of each year in which the legislature regularly convenes a report of business transacted by the department during the preceding two year period, together with such statistics and information as he deems of public interest and such recommendations as he believes merit consideration in the interest of improved administration.

### Chapter 43.23

### DEPARTMENT OF AGRICULTURE

**43.23.010 Divisions of department.** The department of agriculture shall be organized into six divisions, to be known as, (1) the

division of agriculture, (2) the division of horticulture, (3) the division of dairy and livestock, (4) the division of foods, feeds and drugs, (5) the division of weights and measures, and (6) a regulatory division.

The director of agriculture shall have charge and general supervision of the department.

**43.23.020 Supervisor of agriculture—Appointment—Personnel.**

The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agriculture, who shall have charge and supervision of the division of agriculture.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division.

**43.23.030 Powers and duties.** The director of agriculture, through the division of agriculture, shall:

(1) Exercise all the powers and perform all the duties relating to the state fair, commercial fertilizers, surveys and classifications of lands, quarantine measures for the protection of any agricultural crops, forest trees, forest products, or other products not otherwise protected by law, agricultural and vegetable seeds, and growing crops thereof;

(2) Require all subordinate field officers, inspectors, and employees of the department to observe and report the existence of weeds liable to become a pest and detrimental to the agricultural interests of any portion of the state, giving the nature, location, and extent thereof;

(3) When in his judgment any weeds are or may become noxious as defined by law, notify the auditor of the county in which such weeds are found, and the clerk of each city in such county, giving the name and the description of the weeds and the locality in which they are found in the county, and the county auditor and city clerks shall publish notice of the existence of such weeds, giving the name and the description thereof and the locality in which they are found in the county;

(4) Notify the road supervisor of any road district in which noxious weeds are found, and the county commissioners of the county, of the presence of such weeds, giving the name and the description thereof and the locality in which they are found, and every road supervisor and the board of county commissioners so notified shall enforce the law for protection against the spread of such noxious weeds and the destruction thereof;

(5) Exercise all the powers and perform all the duties relating to grains, hay, peas, hops, grain and hay products, malt, peanuts,

flax, and seeds, and regulate the rates, service, and facilities of grain and terminal warehouses in relation thereto;

(6) Exercise all the powers and perform all the duties prescribed by law in respect to farm marketing;

(7) Enforce and supervise the administration of all laws relating to agriculture, agricultural products, and agricultural interests.

**43.23.040 Supervisor of horticulture—Appointment—Personnel.**

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of horticulture, who shall have charge and supervision of the division of horticulture.

With the approval of the director, he may appoint and depute such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

**43.23.050 Powers and duties.** The director of agriculture, through the division of horticulture, shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

**43.23.060 Supervisor of dairy and livestock—Appointment—Personnel.** The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of dairy and livestock, who shall have charge and supervision of the division of dairy and livestock.

With the approval of the director, he may appoint and depute such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

**43.23.070 Powers and duties.** The director of agriculture, through the division of dairy and livestock, shall exercise all the powers and perform all duties prescribed by law relating, (1) to diseases among domestic animals and the quarantine and destruction of diseased animals; (2) to milk and milk products, and dairies and dairy products; and (3) to the registration of stallions and jacks.

He shall enforce and supervise the administration of all laws relating to dairies, dairy products, livestock, and dairy and livestock interests.

**43.23.080 Supervisor of foods, feeds and drugs.** The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of foods, feeds and drugs, who shall have charge and supervision of the division of foods, feeds and drugs.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

**43.23.090 Powers and duties.** The director of agriculture, through the division of foods, feeds and drugs, shall:

(1) Exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, drugs, and concentrated commercial feeding stuffs;

(2) Exercise all powers and perform all duties prescribed by law with respect to bakeries and bake shops;

(3) Enforce and supervise the administration of all laws relating to foods, food products, drinks, feeds, and drugs, and their inspection, manufacture, and sale.

**43.23.100 Supervisor of weights and measures.** The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of weights and measures, who shall have charge and supervision of the division of weights and measures.

With the approval of the director, he may appoint and deputize such sealers, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

**43.23.110 Powers and duties.** The director of agriculture, through the division of weights and measures, shall exercise all powers and perform all duties prescribed by law with respect to weights and measures.

**43.23.120 Bulletins and reports.** The director of agriculture shall publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs and other matters pertaining to his department.

**43.23.130 Biennial report.** The director of agriculture shall make a report to the governor, at least thirty days before the commencement of each biennial session of the legislature, containing an account of all matters pertaining to his department and its administration, which shall be printed and published in the manner provided by law.

**43.23.140 Official misconduct—Penalty.** It shall be unlawful for the director, or any supervisor, assistant, inspector, or other employee to be interested, directly or indirectly, either as owner, agent, or solicitor, in the sale or purchase of any article, commodity, or product used or produced by any person with whom he may come in contact in his official capacity. Any person violating this section shall be guilty of a gross misdemeanor.

**43.23.150 Regulatory division—Personnel—Police power.** The director of agriculture shall appoint such assistants, officers, inspectors and other employees as may be necessary for the administration of the affairs of this division and all such assistants, officers and inspectors so appointed shall have the authority generally vested in a peace officer.

**43.23.160 Regulatory division—Powers.** The regulatory division hereby established shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

### Chapter 43.24

#### DEPARTMENT OF LICENSES

**43.24.010 Authority of director—Personnel.** The director of licenses shall have charge and general supervision of the department of licenses.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department, deputize one or more of such assistants to perform duties in the name of the director, and designate one assistant as chief clerk and secretary of the department.

**43.24.020 Powers and duties.** The director of licenses shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity, except the receipt of fees.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments.

**43.24.030 "License" defined.** The word "license" shall be construed to mean and include license, certificate of registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state.

**43.24.040 Forms to be prescribed.** The director of licenses shall prescribe the various forms of applications, certificates, and licenses required by law.

**43.24.050 Applications for licenses.** All applications for licenses and for renewals thereof shall be filed with the state treasurer, together with the fee required to be paid in advance, and the state treasurer, on the next business day after the receipt of any such application and fee, shall transmit the application, accompanied by

his duplicate receipt for the fee, to the department of licenses, and deposit in the state treasury to the credit of the proper fund the moneys received as advance fees for licenses and renewals remaining on hand at the close of the preceding business day, after making all corrections and refunding all overpayments.

Upon the receipt of any application for a license or a renewal thereof, accompanied by the treasurer's duplicate receipt for the advance fee, the director of licenses shall prepare and issue to the applicant the license or renewal applied for, signed by the director and attested by the secretary under the seal of the department of licenses.

**43.24.060 Examination.** The director of licenses shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licenses, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licenses lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive ten dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses.

**43.24.070 Procedure as to fees.** All applications for examination shall be filed with the state treasurer, together with the fee required to be paid in advance of the examination, and the state treasurer, on the next business day after the receipt of any application and fee, shall transmit the application, accompanied by his duplicate receipt for the fee, to the department of licenses, and deposit in the state treasury to the credit of the proper funds the moneys received as advance fees for examinations on hand at the close of the preceding business day, after making all corrections and refunding all sums authorized to be refunded.



The secretary of the department of licenses, upon the receipt of an application accompanied by the treasurer's duplicate receipt for the advance fee, shall notify the applicant of the day and place of the next ensuing examination.

**43.24.080 Issuance of licenses.** At the close of each examination the secretary of the department of licenses shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and attested by the secretary under the seal of the department, and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the state treasurer, and notify all applicants who have failed to pass the examination of that fact.

The state treasurer, upon the receipt of any such further fee, shall transmit his duplicate receipt therefor to the department of licenses, and the secretary, upon receipt thereof, shall prepare and issue to the successful applicants the licenses in the manner provided for the issuance of licenses at the close of examinations.

In all cases where an unsuccessful applicant is entitled to a refund of any portion of the advance fee paid, the secretary of the department shall certify that fact to the state treasurer, and the state treasurer shall refund the amount provided by law out of the current receipts of advance fees for examinations.

**43.24.090 Examination of handicapped persons.** Any person taking any written examination prescribed or authorized by law, for a license or permit to practice any trade, occupation, or profession, who, because of any handicap, is unable to write the examination himself, may dictate it to and have it written or typed by another, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination.

**43.24.100 Notice to renew licenses.** The secretary of the department of licenses, on or before thirty days prior to the renewal date of any license shall notify the holder of such renewal date, the amount of the renewal fee required, and that such fee shall be paid to the state treasurer.

Upon the next business day after the receipt of any renewal fee, the state treasurer shall transmit his duplicate receipt therefor to the department of licenses and, after making all corrections and refunding all overpayments, shall deposit the balance to the credit of the proper funds.

Upon receiving such duplicate treasurer's receipt the secretary of the department of licenses shall prepare the proper renewal

certificate, signed by the director of licenses and attested by the secretary under the seal of the department, and issue it to the licensee.

**43.24.110 Revocation of licenses—Hearing.** Whenever there is filed with the director of licenses any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licenses shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive ten dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their actual and necessary traveling expenses.

**43.24.120 Appeal.** Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of licenses to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of licenses, but the decision may be reviewed as to matters of law by the supreme court upon writs of review sued out in the manner provided by law.

**43.24.130 License moratorium for persons in service.** Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of licenses to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

**Chapter 43.25****DEPARTMENT OF FISHERIES**

**43.25.010** Section 10, chapter 207, Laws of 1953 and RCW 43.25-.010 are each redesignated as RCW 75.08.014 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.014 Authority of director—Qualifications. The director of fisheries shall have charge and general supervision of the department of fisheries, and shall exercise all the powers and perform all the duties prescribed by law with respect to food fish and shellfish.

No person shall be eligible to appointment as, or to hold the office of, director of fisheries, unless he has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith.

**43.25.020** Section 3, chapter 112, Laws of 1949 and RCW 43-.25.020 are each redesignated as RCW 75.08.012 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.012 Duties of the department. It shall be the duty and purpose of the department of fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof.

**43.25.030** Section 4, chapter 112, Laws of 1949 and RCW 43-.25.030 are each redesignated as RCW 75.08.022 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.022 Director may employ assistants—Merit basis. The director shall have power to appoint, employ or deputize superintendents, inspectors, engineers, patrolmen and such clerical, technical, scientific and other assistants as may be necessary to carry on the work of the department. Such personnel, except the confidential secretary of the director, shall be employed on a basis of merit and in accordance with the rules and regulations of the state personnel board as established in RCW 41.06.030.

**43.25.040** Section 11, chapter 112, Laws of 1949 and RCW 43-.25.040 are each redesignated as RCW 75.08.023 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.023 Employees may be bonded. Each employee of the department if required by the director, shall give a bond to the state with a surety company authorized to do business in this state as

surety in the sum of two thousand dollars conditioned for the faithful performance of his duties, the cost of bond to be paid by the state.

**43.25.045** Section 13, chapter 207, Laws of 1953 and RCW 43-.25.045 are each redesignated as RCW 75.08.203 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.203 Insurance against actions for false arrest. The director of fisheries, and all appointees and employees of the department of fisheries who have powers of arrest shall, at the direction of the director of fisheries, be insured against actions for false arrest arising from arrests made while in the act of carrying out their assigned duties. The premiums on all such policies issued are to be paid from funds appropriated to the department of fisheries.

**43.25.047** Section 14, chapter 207, Laws of 1953 and RCW 43-.25.047 are each redesignated as RCW 75.08.206 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.206 Peace officer compensation insurance—Medical aid. The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in RCW 51.32.005 to 51.32.170, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

**43.25.048** Section 1, chapter 216, Laws of 1957 and RCW 43-.25.048 are each redesignated as RCW 75.08.024 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.024 Fisheries patrol officers—Relieved from active duty when injured—Compensation. The director shall, and he is hereby authorized to, relieve from active duty fisheries patrol officers who, while in the performance of their official duties, have been injured or may hereafter be injured to such an extent as to be incapable of active service. Such employees shall receive one-half of their compensation at the existing wage, during the time such disability continues in effect, less any compensation received through the provisions of RCW 41.40.200, RCW 41.40.220 and RCW 75.08.206.

**43.25.060** Section 9, chapter 112, Laws of 1949 and RCW 43-.25.060 are each redesignated as RCW 75.08.021 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.021 May administer oaths. The director, or those authorized by him, may administer oaths in any matter connected with the

duties of his office, and may require any report, statement or application made or submitted to the department to be made under oath.

**43.25.070** Section 24, chapter 112, Laws of 1949 and RCW 43-.25.070 are each redesignated as RCW 75.08.275 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

**75.08.275** Duty of attorney general when prosecuting attorney defaults. If any person violates any of the provisions of the fisheries law or any regulation of the director, and the prosecuting attorney of the county wherein such violation occurs shall, after information has been given him by the director, fail within thirty days thereafter to file an information against such alleged violator, the attorney general, when requested by the director, may file an information in the superior court of such county in the place and stead of the prosecuting attorney and prosecute the case.

### Chapter 43.30

#### DEPARTMENT OF NATURAL RESOURCES

**43.30.010 Purpose.** The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licenses, secretary of state, tax commission and commissioner of public lands.

**43.30.020 Definitions.** For the purpose of this chapter, except where a different interpretation is required by the context:

- (1) "Department" means the department of natural resources;
- (2) "Board" means the board of natural resources;
- (3) "Administrator" means the administrator of the department of natural resources;
- (4) "Supervisor" means the supervisor of natural resources;
- (5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted;
- (6) "Commissioner" means the commissioner of public lands.

**43.30.030 Department created.** The department of natural resources is hereby created, to consist of a board of natural resources, an administrator and a supervisor.

**43.30.040 Board of natural resources—Composition.** The board shall consist of five members: The governor, the superintendent of

public instruction, the commissioner of public lands, the dean of the college of forestry of the University of Washington and the director of the institute of agricultural sciences of Washington State University.

**43.30.050 Administrator of department.** The commissioner of public lands shall be the administrator of the department.

**43.30.060 Supervisor of natural resources—Appointment.** The supervisor shall be appointed by the administrator with the advice and consent of the board. He shall serve at the pleasure of the administrator.

**43.30.070 Powers, duties, functions of certain state agencies transferred to department—Agencies abolished.** The department shall exercise the powers, duties and functions of the following state agencies, and the said agencies are hereby abolished and all of their powers, duties and functions are transferred to the department of natural resources: The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board and all state sustained yield forest committees.

**43.30.080 Department to exercise certain powers and duties—Director of conservation and development.** The department shall exercise the powers, duties and functions of the director of conservation and development with respect to forestry powers, duties and functions as set forth in Title 76, and such powers, duties and functions are hereby transferred to the department.

**43.30.090 ———State capitol committee.** The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through 79.24.090, and such powers, duties and functions are hereby transferred to the department.

**43.30.100 ———Director of licenses and other agencies with respect to Christmas trees.** The department shall exercise the powers, duties and functions of the director of licenses and all other state agencies with respect to the harvesting and export of Christmas trees, as set forth in chapter 19.12, and such powers, duties and functions are hereby transferred to the department.

**43.30.110 ———Secretary of state.** The department shall exercise all of the powers, duties and functions of the secretary of state with respect to: (1) Booming companies, under the provisions of chapter 76.28; (2) log driving companies, under the provisions of chapter 76.32; (3) log marks and brands, under the provisions of

chapter 76.36, and such powers, duties and functions are hereby transferred to the department.

**43.30.120** ————**Director of licenses, tax commission with respect to log patrols.** The department shall exercise the powers, duties and functions of the director of licenses and the tax commission of the state of Washington with respect to log patrols, as set forth in chapter 76.40, and such powers, duties and functions are hereby transferred to the department.

**43.30.130** ————**Commissioner of public lands.** The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department: *Provided*, That nothing herein contained shall effect his ex officio membership on any committee provided by law.

**43.30.140** ————**Sustained yield forests.** All sustained yield forests established by RCW 79.56.010 shall be managed and administered by the department of natural resources.

**43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Expenses.** The board shall:

(1) Perform all the duties relating to appraisal, appeal, approval and hearing functions heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: *Provided*, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for actual and necessary expenses in attending committee meetings on the same basis as state officers and employees generally;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least three members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided by law for state officers and employees generally.

**43.30.160 Powers and duties of administrator—Personnel.** The administrator shall have responsibility for performance of all the powers, duties and functions of the department except those specifically assigned to the board. In the performance of his powers, duties and functions, the administrator shall conform to policies established by the board, and may employ and fix the compensation of such personnel as may be required to perform the duties of his office.

**43.30.170 Powers and duties of supervisor—Personnel—Bond.** The supervisor shall:

(1) Be charged with the direct supervision of the department's activities as delegated to him by the administrator;

(2) Perform his duties in conformance with the policies established by the board;

(3) Organize the department, with approval of the administrator, into such subordinate divisions as he may deem appropriate for the conduct of its operations;

(4) Employ and fix the compensation of such technical, clerical and other personnel as may be required to carry on activities under his supervision;



(5) Delegate by order any of his powers, duties and functions to one or more deputies or assistants as he may desire;

(6) Furnish before entering upon his duties a surety bond payable to the state in such amount as may be determined by the board, conditioned for the faithful performance of his duties and for his accounting of all moneys and property of the state that may come into his possession or under his control by virtue of his office.

**43.30.180 Oaths may be administered by supervisor and deputies.** The supervisor and his duly authorized deputies may administer oaths.

**43.30.190 Validation of acts of other agencies.** Neither the abolishment or transfer of any agency, nor any transfer of powers, duties and functions, as provided in this chapter, shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this chapter.

**43.30.200 Administrator to report to legislature and governor—To recommend legislation.** The administrator shall submit to the governor and to the legislature, on or before the last day of December immediately preceding each regular session of the legislature and at other times when required by the governor, a written report of the work of the department, including a statement of the expenditures thereof, with such recommendations for legislation as the department may deem advisable for the better management of the lands, forests, and other natural resources of the state.

**43.30.210 Administrator may designate substitute for member of board, commission, etc.** When any officer, member, or employee of an agency abolished by provisions of this chapter is, under provisions of existing law, designated as a member ex officio of another board, commission, committee, or other agency, and no provision is made in this chapter with respect to a substitute, the administrator shall designate the officer or other person to serve hereafter in that capacity.

**43.30.220 Disposition of property, records, etc., of abolished or transferred agencies.** Upon the taking effect of this chapter and the organization of the department, the responsible head of each agency abolished or transferred in whole or in part to the department by this chapter, shall deliver to the department all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: *Provided*, That, if the books, documents, records,

papers, files and other writings pertaining to a function transferred by this chapter to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the department certified copies of such books, documents, records, papers, files and other writings.

**43.30.230 Transfer of appropriations of agencies abolished.** The appropriations made to the various agencies abolished by this chapter shall be transferred to and made available to the department of natural resources. Appropriations for the exercise of powers, duties and functions transferred to the department from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of RCW 43.30.240.

**43.30.240 Transfer of equipment, funds, appropriations from agencies not abolished—Apportionment by director of budget.** The transfer of equipment, funds and appropriations from agencies that are not abolished by this chapter to the department, as provided in RCW 43.30.220 and 43.30.230, shall be accomplished in accordance with apportionments among the several agencies by the director of the budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

**43.30.250 Property transactions, restrictive conveyances, highway purpose—Existing law to continue.** Nothing in this chapter shall be interpreted as changing existing law with respect to:

(1) Property given to a state agency on restrictive conveyance with provision for reversion to the grantor or for the vesting of title in another if and when such property is not used by the agency concerned for the stipulated purposes;

(2) Land or other property acquired by any state agency for highway purposes.

**43.30.260 Real property—Services and facilities available to other state agencies, cost.** Upon request by any state agency vested by law with the authority to acquire or manage real property, the department shall make available to such agency the facilities and

services of the department of natural resources with respect to such acquisition or management, upon condition that such agency reimburse the department for the cost of such services.

**43.30.270 Employees—Applicability of merit system.** All employees of the department of natural resources shall be governed by any merit system which is now or may hereafter be enacted by law governing such employment.

**43.30.280 Natural resources equipment fund—Authorized—Purposes—Expenditure.** A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies.

**43.30.290 ————Reimbursement.** The natural resources equipment fund shall be reimbursed by the department of natural resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund.

### Chapter 43.31

#### DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

**43.31.010 Declaration of policy.** It is hereby declared to be the public policy of the legislature of the state of Washington to continue, and to accelerate the orderly growth of the economy of the state; not only to preserve, but also to increase the economic well-being of its citizens and its commerce: The legislature thereby determines that it is in the public interest, for the public good and the general welfare of the citizens of the state to establish a department of commerce and economic development. Through research and promotion the department shall foster the most desirable growth and diversification of industry and commerce possible, and the attraction of visitors to the state.

**43.31.020 Department established.** There is established a department of state government to be known as the department of commerce and economic development.

**43.31.030 Director—Appointment, term, salary.** The executive head of the department shall be the director of commerce and economic development. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040.

**43.31.040 Divisions of department—Supervisors, assistants.** The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, and others as required.

The director of commerce and economic development may appoint such division supervisors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

**43.31.050 Powers and duties—Tourist promotion division.** The director of commerce and economic development, through the tourist promotion division shall:

(1) Conduct promotion of the state, other than that carried on or planned by the various departments or other political subdivisions within the state, for the purpose of attracting visitors to the state, and encouraging tourist expansion in the state;

(2) Formulate, supervise, and carry out a continuous factual information program for the promotion of the state;

(3) Assemble and distribute such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state;

(4) Take active steps by sending representatives to other areas and by inviting representatives from other areas for the purpose of attracting visitors, inviting conferences and conventions, and sportsmen and tourists to the state of Washington;

(5) The department of commerce and economic development may publish or encourage the private publication of a magazine named by it and shall also publish maps, pamphlets and other descriptive material designed to carry out the purposes of this chapter. The department of commerce and economic development shall fix the price to be paid for annual subscriptions to, for single copies of, and the discount to be allowed dealers of the magazine. The publication may be distributed free of charge to libraries, schools, chambers of commerce and to such hotels, tourist agencies, visitors and prospective visitors and to such other persons or agen-

cies, and in such quantities, as the department deems beneficial in carrying out the purposes of this chapter. In no case shall the number of free copies each month exceed ten percent of the total number of paid subscriptions.

**43.31.060 Powers and duties—Industrial development division.**

The director of commerce and economic development, through the industrial development division, shall:

(1) Gather, maintain and disseminate available information concerning plant industrial sites throughout the state and the advantages of locating industries within the state;

(2) Serve local communities in planning for and acquiring a greater industrial development;

(3) Act as the state's official liaison agency between persons interested in locating business firms in Washington, and state and local groups seeking new business (in such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by the persons contemplating location in this state);

(4) Conduct an active program, by sending representatives to other areas, of providing information on industrial and business sites, contacting potential new business and industry, and in other ways to expand the business and industrial base of the state of Washington.

**43.31.070 Powers and duties—Division of research.** The director of commerce and economic development through the division of research shall initiate, conduct, and maintain research for the purpose of guiding and accomplishing a coordinated and economically farsighted development of the state. He shall establish a research reference service to collate and coordinate information available from private and governmental sources, to undertake market feasibility studies on existing products and by-products which are or could be developed in the state. He shall assist in creating and maintaining a shelf of public work projects to aid the state in case of an economic recession.

**43.31.080 Powers and duties—General.** Notwithstanding any duties and powers specifically enumerated in RCW 43.31.050, 43.31.060, and 43.31.070, the director is authorized, empowered, and directed to do any and all other acts necessary to accomplish the purposes of this chapter as specified in RCW 43.31.010.

**43.31.090 Advisory council—Appointment, term, vacancies, expenses.** To aid and advise the director in the performance of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not

more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas as the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

**43.31.100 Advisory council—Powers and duties.** The advisory council shall receive reports periodically from the department and shall meet to advise, guide and assist the director in establishing the policies of the department.

**43.31.110 Additional advisory groups—Appointment, vacancies, expenses.** The director may from time to time establish such additional advisory groups as in his discretion are necessary for the carrying out of this chapter. Members of and vacancies in, such advisory groups, shall be filled by appointments by the director. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

**43.31.120 Director may request assistance from state agencies, departments, officials—Expenses.** The director is authorized to request information and assistance from all other agencies, departments and officials of the state and may reimburse such agencies, departments or officials when any such request imposes any additional expenses upon any such agency, department or official.

**43.31.130 Director, supervisors, staff may travel—Expenses.** The director and the supervisor of any division may travel throughout the state or other states and may contact other states and agencies in the performance of their duties. The director and supervisors shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees, not to exceed twenty-five dollars per day. The director is authorized to delegate similar authority to other members of his staff who shall then be reimbursed for their expenses in the same manner as herein provided for the director and division supervisors.

**43.31.140 Acceptance of contributions, grants, gifts—Disbursements—Purpose.** In furthering the purposes of this chapter, the director may accept contributions, grants or gifts in cash or other-

wise from persons, associations, or corporations, such contributions to be disbursed in the same manner as money appropriated by the legislature: *Provided*, That the donor of such gifts may stipulate the purpose for which they shall be expended.

**43.31.150 Federal grants, matching funds or other funds, donations—Acceptance, disbursements.** The department of commerce and economic development may accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by this chapter.

**43.31.160 Biennial reports to governor and legislature.** The director shall submit to the governor and the legislature a biennial report on the activities, growth, progress, problems and costs of the programs of the department and its divisions, and on recommendations for future program and needed legislation including legislation designed to encourage investment of risk venture capital in this state.

**43.31.170 Division of progress and industry development abolished—Powers and duties of supervisor transferred to director of commerce and economic development.** From and after the first day of April, 1957, the division of progress and industry development of the department of conservation and development is abolished and the director of the department of commerce and economic development shall exercise all the powers, duties and functions theretofore vested in and required to be exercised by the supervisor of progress and industry development of the department of conservation and development.

**43.31.180 ————Disposal of property, records, etc.—Pending matters, completion—Validation of acts performed.** Upon the taking effect of this chapter, the director of conservation and development shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, and other tangible property, and all funds in his custody or under his control used or held by the division of progress and industry development of the department of conservation and development. Neither the abolition of the division of progress and industry development of the department of conservation and development nor the transfer of powers and duties as provided in this chapter to the director of commerce and economic development shall affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this chapter from the

division of progress and industry development of the department of conservation and development to the department of commerce and economic development which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development, who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose.

**43.31.200 Local and state planning—Authorized studies.** The department of commerce and economic development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;

(2) The various methods of adopting forms of government for metropolitan areas;

(3) Voting procedures to be employed if local determination is used as the method of adoption;

(4) The need for adjustments in area, organization, functions and finance of reorganized governments;

(5) Interstate areas that include a part of the territory of this state;

(6) State advisory and technical services and administrative supervision to governments in local areas;

(7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;

(8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;

(9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for civil defense purposes, and the measure required for the organization and operation of such authorities.

**43.31.210 ————Coordinating and advisory services—State comprehensive plan—Personnel.** The department of commerce and economic development, through the appropriate division, in order to facilitate municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for planning shall serve generally as a consultative, coordinating and advisory agency for aiding such planning bodies, directly, or in securing planning assistance, consultative services and technical aid which may include surveys, land use, demographic and economic



studies, comprehensive plans, urban renewal plans and other plans. The department through the division, shall serve generally as a consultative, coordinating and advisory agency for state departments or agencies for planning and shall be responsible for the preparation of a state comprehensive plan. The director shall employ competent, qualified, technical personnel and such other personnel as may be required to administer RCW 43.31.200 through 43.31.230.

**43.31.220 ————Aid from federal and local government—Rules and regulations.** The director, through the appropriate division, may accept contributions, grants, or other financial assistance from the government of the United States for, or in aid of, any planning program. The director shall promulgate such rules and regulations, in accordance with the procedures set forth in chapter 34.04 RCW, enter into such agreements, prescribe such conditions, perform such other lawful act as may be necessary to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program.

**43.31.230 ————Powers conferred by RCW 43.31.210 and 43.31.220 are supplemental.** The powers conferred by RCW 43.31.210 and 43.31.220 are in addition and supplemental to the powers conferred by any other state or local law, and nothing herein contained shall be construed as limiting or restricting any other powers of the department, the state, or any political subdivision thereof.

### **Provisions Relating to World Fair**

**43.31.500 Declaration of purpose.** The department of commerce and economic development has been created to accelerate the orderly growth of the economy of the state and to increase its commerce and the economic well-being of its citizens. The Alaska-Yukon-Pacific Exposition held in Seattle in 1909 did much to foster the development of the state to the position of eminence which it now enjoys. In the nearly half a century which has elapsed since the Alaska-Yukon-Pacific Exposition, this state has progressed markedly in agriculture, trade, and manufacturing, and the University of Washington on whose site the exposition was held has become one of the great universities of the world. It is therefore fitting that another exposition be held in the state of Washington and that the department of commerce and economic development be authorized to acquire a site and buildings, equipment and appurtenances thereto, suitable for an exposition and for other state purposes, and that the department, with the approval of the commission, be authorized to program, promote and produce a world fair

or exposition that will be of economic benefit to the state and all of its citizens.

The department shall cooperate with the world fair commission to the end that the exposition to be conducted by the world fair commission shall become a memorable success.

**43.31.510 Acquisition and development of site and buildings declared state purpose.** The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of buildings, equipment and appurtenances therefor, suitable for use for a world fair or exposition and for the future use by the state in promoting and fostering its commerce and economic development, and the construction of any structures necessary for the development of exhibits and the programming, promotion and successful production of the world fair or exposition is declared to be a state purpose.

**43.31.520 Department authorized to acquire and develop site and buildings in Seattle and undertake other activities—Approval and authorization of world fair commission.** The department of commerce and economic development is authorized and directed, in the furtherance of the purposes for which it was created, and in furtherance of the purposes of RCW 43.31.500 through 43.31.640, and the provisions of this act [1961 c 152; 1957 c 174], to acquire a site in the city of Seattle in the vicinity of the civic center and to develop the same and to construct or otherwise acquire buildings or any other necessary structures together with such furnishings, equipment and appurtenances as may be required, for use for a world fair or exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state.

The department, with the authorization of the world fair commission, is further directed to undertake such activities as are deemed necessary to effectuate the purposes of this act [1961 c 152; 1957 c 174], to the end that a successful world fair or exposition is produced.

The department is further authorized to make all necessary plans and surveys for such acquisition and construction, and any such plans shall be subject to the approval of the world fair commission.

**43.31.525 Department authorized to dispose of property—Approval of world fair commission—Consideration—Deposit of proceeds.** The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under

the provisions of RCW 43.31.500 through 43.31.640: *Provided*, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: *Provided further*, That proceeds of the sale as herein provided shall be deposited in the world fair bond redemption fund created under the provisions of RCW 43.31.620.

**43.31.530 Department to cooperate with governmental agencies—Eminent domain.** The department is enjoined to cooperate in all respects with the world fair commission, with the city of Seattle and with other departments, agencies, political subdivisions and municipal corporations of this state. The department and the world fair commission may cooperate with the government of the United States and with the governments or agencies of other states or foreign countries, or their lesser subdivisions to the extent required to secure their participation in the world fair or in the future uses of the site and buildings.

In furtherance of the purposes of RCW 43.31.500 through 43.31.640 the department may exercise the right of eminent domain as provided in chapter 8.04.

**43.31.540 Authority to temporarily convey site and buildings for world fair.** The department is authorized to lease or otherwise temporarily convey the site and buildings herein provided for, for the use of the world fair commission in conducting such fair or exposition.

**43.31.550 Limited obligation bonds authorized.** To provide funds for plans and surveys, for the acquisition and development of a site and the purchase, construction or acquisition by any lawful means of permanent type buildings, equipment and appurtenances thereto to be used for an exposition and for future use by the state, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of seven million five hundred thousand dollars.

Issuance, sale, and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued, and sold at such time or times and in such amount or amounts as may be necessary to finance the program authorized by RCW 43.31.500 through 43.31.640.

Each bond shall be made payable at any time not exceeding thirty years from date of issuance, with such reserved rights of

prior redemption as the state finance committee may prescribe to be specified therein. Bonds shall be payable at such places and be in such denominations as the committee prescribes.

**43.31.560 Signatures on bonds or coupons—Bonds negotiable.** Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable.

**43.31.570 Sale of bonds—Bonds as legal investment and security.** The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

**43.31.580 Registration of bonds.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe.

**43.31.590 Bonds not a general obligation—Payment.** Bonds issued under the provisions of RCW 43.31.500 through 43.31.640 shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in RCW 43.31.500 through 43.31.640 from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 23.60.200.

**43.31.600 World fair fund created—Composition—Use—Investment.** There is hereby created within the state treasury a special fund to be known as the world fair fund in which shall be deposited all moneys arising from the sale of such bonds. Such moneys shall

be available only for the purpose of plans and surveys for site and buildings, the acquisition of a site in the city of Seattle in the vicinity of the civic center and the purchase, construction, or acquisition by any lawful means of permanent type buildings, equipment and appurtenances therefor suitable for an exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state, and for the payment of the expense incurred in the printing, issuance and sale of such bonds.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by RCW 43.31.500 through 43.31.640. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund.

**43.31.610 Appropriation.** For the purpose of carrying out the provisions of RCW 43.31.500 through 43.31.640, there is hereby appropriated to the state department of commerce and development from the world fair fund the sum of seven million five hundred thousand dollars.

**43.31.620 Undertaking to impose corporation fees—Use, proration, of one-half of proceeds.** As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW.

**43.31.630 Fees not exclusive method for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and RCW 43.31.500 through 43.31.640 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

**43.31.640 Proceedings to compel deposit and payment of funds.** The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 23.60.200 and by the provisions of RCW 43.31.500 through 43.31.640.

**43.31.660 Declaration of necessity for additional funds.** Increased costs for the erection of necessary structures and for the programming, promotion and production of the world fair or exposition since the enactment of the world fair bond issue authorized by the 1957 legislature makes necessary additional money with which to take the necessary steps to insure the successful production of the world fair or exposition.

**43.31.670 Additional limited obligation bonds authorized.** To provide additional funds for the programming, promotion and production of the world fair or exposition in addition to bonds authorized to be sold by RCW 43.31.550 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. Issuance, sale and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued and sold at such time or times in such amount or amounts as may be necessary to finance the program as authorized under this act [1961 c 152]. Each bond shall be made payable at any time not exceeding thirty years from the date of issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be payable at such places and in such denominations as the state finance committee may prescribe.

**43.31.680 Signatures on bonds and coupons—Bonds negotiable.** Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed

by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable.

**43.31.690 Sale of bonds—Bonds as legal investment and security.** The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

**43.31.700 Registration of bonds.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe.

**43.31.710 Bonds not a general obligation—Payment.** Bonds issued under the provisions of this act [1961 c 152] shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in this act [1961 c 152] from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 43.31.620.

**43.31.720 Deposit of proceeds of sale—Use.** All moneys arising from the sale of such bonds shall be deposited in the special fund in the state treasury known as the world fair fund created pursuant to RCW 43.31.600. Such moneys shall be available only for the purpose of programming, promoting and production of the world fair or exposition, and for the payment of the expenses incurred in the printing, issuance and sale of such bonds. The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by this

act [1961 c 152]. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund.

**43.31.730 Appropriation.** For the purposes of carrying out the provisions of sections one through eighteen of this act [1961 c 152] there is hereby appropriated to the state department of commerce and economic development from the world fair fund the sum of three million dollars.

**43.31.740 Undertaking to impose corporation fees—Use, proration, of one-half of proceeds.** As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW.

**43.31.750 General powers of state officials—Agreements.** The department of commerce and economic development, the officials thereof and all state officials and members of the world fair commission are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the production of the world fair or exposition in Seattle.

**43.31.760 Legislature may provide additional means for raising revenue.** The legislature may provide additional means for raising



moneys for the payment of the principal and interest on the bonds authorized herein and the provisions of this act [1961 c 152] shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

**43.31.770 Proceedings to compel deposit and payment of funds.**

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 43.31.620 and by the provisions of this act [1961 c 152].

**Chapter 43.32**

**DESIGN STANDARDS COMMITTEE**

**43.32.010 Composition of committee.** There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington State Association of County Commissioners to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Washington State Association of County Commissioners shall be restricted to the membership of such association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state.

**43.32.020 Duties of committee.** On or before January 1, 1950, and from time to time thereafter the design standards committee shall adopt uniform design standards for the county primary road systems.

**Chapter 43.33**

**FINANCE COMMITTEE**

**43.33.010 Composition of committee.** The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee.

**43.33.020 Powers and duties.** The state finance committee shall exercise all the powers and perform all duties prescribed by law with respect to the investment and safekeeping of public funds.

**43.33.025 Investment of funds in farm, soil, water conservation loans.** The state finance committee is authorized to invest those funds which are not under constitutional prohibition in farm

ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.

**43.33.030 Records—Office.** The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record, maintain appropriate offices, and employ such personnel as shall be necessary to perform its duties.

**43.33.040 Rules and regulations—Chairman.** The state finance committee may make appropriate rules and regulations for the performance of its duties. The state treasurer shall act as chairman of the committee.

### Chapter 43.34

#### CAPITOL COMMITTEE

**43.34.010 Composition of committee.** The governor, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee.

**43.34.015 Secretary of committee—Committee records.** The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his compensation: *Provided*, That all records of the committee shall be filed in the office of the commissioner of public lands.

**43.34.040 Buildings—Erection—Improvements.** The state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington.

### Chapter 43.37

#### WEATHER MODIFICATION BOARD

**43.37.010 Definitions.** As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the weather modification board;
- (2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for

the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes;

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

**43.37.020 Board established—Composition, appointment, qualifications, compensation, quorum.** (1) There is established a weather modification board to consist of the director of conservation, who shall be the chairman and who shall exercise no vote except in case of a tie vote, nine members all appointed by the governor, including a member of the faculty of Washington State University, a member of the faculty of the University of Washington, one member to be a person experienced in, and actually engaged in the commercial production of horticultural products, three members to be persons experienced in, and actually engaged in the commercial production of other agricultural products, and three members representing the general public. Members appointed to represent horticulture, other agricultural products, and the general public, shall each represent a different congressional district in order that each congressional district of the state shall be represented by one such appointee. The term of office of each member of the board appointed prior to March 3, 1961 shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, one each at the end of the first, second, third and fourth years after March 3, 1957. The term of office of each member appointed to the board as an additional member because of this amendatory act [1961 c 154 § 1] shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, two

at the end of the first year after March 3, 1961, and one each at the end of the second, third, and fourth years after March 3, 1961. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(2) Members of the board shall receive no compensation for the performance of their duties under the provisions of this chapter; but each member shall be reimbursed, to the extent allowed by law from funds available for the administration of this chapter, for expenses necessarily incurred in the performance of his duties.

(3) A majority of the members shall constitute a quorum for the transaction of business.

**43.37.030 Powers and duties.** In the performance of its functions the board may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the board concerning legislation, policies, administration, research and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the board may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information and hold such hearings as the board may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) Subject to RCW 43.37.070, appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the board's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures or negotiations for interstate compacts relating to weather modification and control.

**43.37.040 Promotion of research and development activities—Contracts and agreements.** The board shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or

public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the board may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial and other purposes;

(3) The protection of life and property during research and operational activities.

**43.37.050 Hearing procedure.** In the case of hearings pursuant to RCW 43.37.180 the board shall, and in other cases may, cause a record of the proceedings to be taken and filed with the board, together with its findings and conclusions. For any hearing, any member of the board or a representative designated by the board is authorized to administer oaths and affirmations, examine witnesses and issue, in the name of the board, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place.

**43.37.060 Acceptance of gifts, donations, etc.—Weather modification board revolving account established, excess funds.** (1) The board may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, or any other source, and may expend such funds, unless their use is restricted and subject to any limitations otherwise provided by law for the administration of this chapter and for the encouragement of research and development by a state, public or private agency, either by direct grant, by contract or other cooperative means.

(2) There is established an account in the general fund to be known as the "weather modification board revolving account." All license and permit fees paid to the board shall be deposited in such account. Any accumulation in this account in excess of five thousand dollars shall revert to the state's general fund.

**43.37.070 Staff services, materials, office space—Expenses.** (1) In administering the provisions of this chapter the board shall utilize, and the director of conservation shall furnish, such clerical and other staff services and materials and office space as are required by the board in the performance of its functions involving internal operations of the board. The director of conservation however, shall not

be obligated to incur any expense in complying with this subsection beyond the amount of funds lawfully available for the payment thereof.

(2) The expense of complying with the requirements of subsection (1) of this section shall be paid only from the "weather modification board revolving account," hereby created, upon the presentation of a claim therefor approved by the director of conservation. Such claims shall be audited and paid in the same manner as other claims against the state.

**43.37.080 License and permit required.** Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the board authorizing such activities.

**43.37.090 Exemptions.** The board, to the extent it deems practical, shall provide by regulation for exempting from the license, permit and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing or preventing precipitation or hail.

**43.37.100 Licenses—Requirements, duration, renewal, fees.** (1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the board, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The board shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the board of one hundred dollars for the license or renewal thereof.

**43.37.110 Permits—Requirements—Hearing as to issuance.** The board shall issue permits in accordance with such procedures and

subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

- (1) If the applicant is licensed pursuant to this chapter;
- (2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;
- (3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the board but not to exceed twenty thousand dollars;
- (4) If the fee for a permit is paid as required by RCW 43.37.160;
- (5) If the weather modification and control activities to be conducted under authority of the permit are determined by the board to be for the general welfare and public good.
- (6) If the board has held an open public hearing in Olympia as to such issuance.

**43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice.** A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the board and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the board; and his activities shall also conform to any conditions imposed by the board upon the issuance of the permit or to the terms of the permit as modified after issuance.

**43.37.130 Notice of intention—Contents.** The notice of intention shall set forth at least all the following:

- (1) The name and address of the licensee;
- (2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;
- (3) The area in which and the approximate time during which the operation will be conducted;
- (4) The area which is intended to be affected by the operation;
- (5) The materials and methods to be used in conducting the operation.

**43.37.140 ————Publication.** (1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a daily newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be con-

ducted, then in a daily newspaper having a general circulation and published within each of such counties. In case there is no daily newspaper published within the appropriate county, publication shall be made in a daily newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the board within fifteen days from the date of the last publication of the notice.

**43.37.150 Financial responsibility.** Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the board, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit.

**43.37.160 Fees—Sanctions for failure to pay.** The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the board from the evidence available to it. The fee is due and payable to the board as of the date of the issuance of the permit; however, if the applicant is able to give to the board satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license or to issue any further permits to such person.

**43.37.170 Records and reports—Open to public examination.** (1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee and such other general information as may be required by the board and shall report the same to the board at the time and in the manner required.

(2) The board shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the board shall require written reports from such organizations as are



exempted from license, permit and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the board shall be open for public examination.

**43.37.180 Revocation, suspension, modification of license or permit.** (1) The board may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The board may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The board may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The board may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the board that it is necessary for the protection of the health or the property of any person to make the modification proposed.

**43.37.190 Liability of state denied—Legal rights of private persons not affected.** Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the board or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious or other legal rights, duties or liabilities between any private persons or groups.

**43.37.200 Penalty.** Any person violating any of the provisions of this chapter or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs.

## Chapter 43.38

### TAX ADVISORY COUNCIL

**43.38.010 Tax advisory council created—Appointment, compensation.** There is hereby created a tax advisory council to consist of fifteen members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional

district of the state. Members shall serve without pay at the pleasure of the governor but shall be paid necessary traveling expenses incurred in their travel to and from meetings of the council and shall receive fifteen dollars per day as subsistence while attending all meetings of the council.

**43.38.020 Powers and duties.** The council shall survey and analyze all aspects of existing tax statutes and evaluate the administration, yield and effect thereof and shall make such recommendations to the governor relating to changes in administrative practices and existing laws concerning such taxes as the council shall agree upon. If the recommendations adopted by the council do not receive the unanimous approval of its members, the dissenting members shall have the privilege of submitting minority recommendations.

**43.38.030 Examination of records.** Any member of the council or its staff designated by the chairman shall have the authority to examine, for official purposes, any records maintained by or in the possession of any official or agency which relate to matters of taxation.

**43.38.040 Officers—Meetings—Executive secretary.** The governor shall designate one member to be chairman of the council. The council at its first meeting shall elect a vice chairman. Meetings shall be held at times and places determined by the chairman. The chairman shall appoint from the staff of the state tax commission, an executive secretary, whose salary shall be paid by the tax commission, who shall attend all meetings of the council and perform such duties as it shall direct.

**43.38.050 Expenditures.** All expenditures of the council shall be paid upon vouchers approved by the chairman or vice chairman from the appropriation herein provided.

## Chapter 43.41

### DIRECTOR OF BUDGET

**43.41.010 Office created—Salary—Personnel.** There is hereby created in the office of the governor the office of "director of budget." The director of budget shall be appointed by the governor with the consent of the senate; shall hold office during the pleasure of the governor, and shall receive an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall have the power to appoint such assistants, deputies and other personnel as may be necessary to carry out the provisions of this chapter. As the personal representative of the governor with

respect to fiscal matters it shall be his duty to attend the meetings of the administrative board.

**43.41.020 Powers and duties.** The director of budget shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system;

(2) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) Compute cost findings of the several farming and industrial operations at the state institutions, and making confidential reports to the governor of profit and loss.

### Chapter 43.43

#### WASHINGTON STATE PATROL

**43.43.010 Patrol created.** There shall be a department of state government known as the "Washington state patrol." The chief thereof shall be known as the chief of the Washington state patrol, and members thereof shall be known as Washington state patrol officers.

**43.43.020 Appointment of personnel.** The governor shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

**43.43.030 Powers and duties—Peace officers.** The chief and other officers of the Washington state patrol shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are prescribed by law.

**43.43.040 Disability of patrol officers.** The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties,

have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

**43.43.050 Tenure of patrol officers.** Washington state patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided.

**43.43.060 Suspension—Demotion of probationary officers.** The chief of the Washington state patrol may discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may demote any officer holding probationary rank, without preferring charges against him, and without a hearing.

**43.43.070 Complaint, hearing on nonprobationary officers.** Discharge or demotion of any officer holding nonprobationary rank, or suspension for more than thirty days of any officer, shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

**43.43.080 Resignation—Waiver of hearing.** Pending a hearing, the chief of the patrol may suspend the officer complained of, and the officer may, within ten days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing.

In the event that a letter of resignation is submitted, it shall be accepted without prejudice.

**43.43.090 Procedure at hearing.** At the hearing, the chief of the patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final in the case of acquittal. In the event of conviction the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of.

**43.43.100 Review of order.** Any officer subjected to disciplinary action may, within ten days after the service of the order upon him, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to him for further action.

**43.43.110 Reinstatement on acquittal.** If as a result of any trial board hearing, or review proceeding, an officer complained of is found not guilty of the charges against him, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action.

**43.43.120 Patrol retirement system—Definitions.** As used in the following sections:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

(8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(10) "State auditor" means the auditor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last five years of service or any consecutive five year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than five years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

**43.43.130 Retirement fund created—Membership.** (1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: *Provided*, That

a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

**43.43.135 Membership in more than one retirement system.** In any case where the Washington state patrol retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, an employee holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide.

**43.43.140 Management—Retirement board, composition, terms, elections, vacancies, business.** The general administration and management of the retirement fund and the making effective of the provisions hereof are hereby vested in the retirement board which shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions hereof to carry into effect the provisions of this chapter.

The board shall consist of seven members as follows: Chief of the Washington state patrol, insurance commissioner, lieutenant governor and four members known as employee members, who shall be elected by ballot by members of the retirement fund in a manner to be approved by the retirement board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

The chief of the Washington state patrol shall act at all times as chairman of the retirement board. A majority of the members

of the board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall be given the members thereof.

The election of employee members of the board shall be conducted by and under the supervision of the chief of the Washington state patrol. The chief of the Washington state patrol shall designate election dates and shall define election procedures: *Provided*, That the first election shall be held within thirty days after May 15, 1958. At the first election, each person eligible to participate in the retirement fund shall have the right to vote for two qualified employee members, each person to vote only upon those members from his geographical division of the state. At the first election, the employee member receiving the greatest number of votes shall be deemed elected for a four year term; the employee member receiving the second greatest number of votes shall be deemed elected for a three year term; the employee member receiving the third greatest number of votes shall be deemed elected for a two year term; and the employee member receiving the fourth greatest number of votes shall be deemed elected for a one year term. Terms of office of the first members shall commence July 1, 1958. Upon expiration of the term of each of the employee members, each succeeding member shall be elected by general election and shall hold office for a term of four years. After the first election, those persons eligible to participate in the retirement fund and who are from the same geographical division as that of the employee member whose term of office has expired or whose office has become vacant shall have the right to vote for one qualified employee member to fill that office. Any vacancy occurring in the term of any qualified employee member of the retirement board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term.

**43.43.150 Employees of board.** The retirement board may employ a secretary and secure the services of such technical and administrative employees as may be necessary for the transaction of business of the retirement fund. The compensation of all persons engaged by the board and all other expenses necessary for the proper operation of the retirement fund shall be paid at such rates and in such amounts as the board shall approve. The board shall perform such other functions as are required for the proper execution of the provisions hereof and shall have authority to make all rules and regulations necessary therefor.

**43.43.160 Oath of members—Compensation.** Each member of the retirement board, upon appointment or election, shall take an oath



of office that he will support the Constitution of the United States, the Constitution of the state of Washington, and that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this chapter. Such oath shall be subscribed to by the member making it and certified by the officer before whom it is taken and shall immediately be filed in the office of the secretary of state. The members of the board shall serve without compensation but shall suffer no loss because of absence from their regular employment and shall be reimbursed from the expense fund.

**43.43.165 Board may receive contributions from any source.** Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washington state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution.

**43.43.170 Investment of funds.** Whenever the state patrol retirement board determine that the state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are authorized for the investment of the funds of the state employees' retirement system.

**43.43.175 Custody, sale, of securities—Disposition of proceeds.** All bonds or other obligations purchased according to RCW 43.43.170 shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest earned and proceeds from the sale or redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by RCW 43.43.120 through 43.43.330.

**43.43.180 Duty of state treasurer.** The state treasurer shall be the custodian of the funds of the retirement fund. He shall deposit any portion of the funds of the retirement fund not needed for immediate use in the same manner as and subject to all the provisions of law respecting the deposit of state funds, and all interest earned by such portions of the retirement fund as may be deposited by the state treasurer in pursuance hereof shall be collected by him and placed to the credit of the retirement fund. The custodian shall

furnish annually to the retirement board a sworn statement of the amount of funds in his custody belonging to the retirement fund. The records of the retirement fund shall be open to public inspection and any member of the fund shall be furnished with a statement of the amount of his credit upon written request of such member: *Provided*, That the retirement board shall not be required to answer more than one such request of a member in any one year.

**43.43.190 Limitation on interest of board member.** Except as herein provided, no member and no employee of the retirement board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, nor as such directly or indirectly receive any pay or emolument for services and no member or employee of the board, directly or indirectly for himself or as agent or party for others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board become an endorser or surety or become in any manner an obligor for moneys owned or borrowed by the board.

**43.43.200 Actuarial valuations, investigations.** At such times as the retirement board may deem it necessary and at least once within the first three years of the operation hereof and once in each five year period thereafter, the board shall have prepared by a competent actuary a report showing a complete valuation of the present and prospective assets and liabilities of the various funds created hereby. The actuary shall make an investigation of the mortality and service experience of the members of the system and shall report fully upon the totals of the retirement fund, together with such recommendations as he deems advisable for the information of the retirement board in the proper operation of the retirement fund.

**43.43.210 Notice of commissioning and withdrawals.** The chief of the Washington state patrol shall, on the first day of each calendar month, notify the state auditor of the commissioning of new employees subject to the provisions hereof and shall submit to him the name, title, compensation, duties, and date of birth of each new commissioned employee. He shall notify the auditor at the same time of all removals, withdrawals, and changes in salary of any member which occurred during the preceding month.

**43.43.220 Retirement fund—Expenses—Contributions by state.**  
(1) The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses

of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the current service contribution, and a fixed percentage of the compensation of members to be known as the prior service contribution.

(3) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the current service contribution rate. Such current service contribution rate shall become effective in the ensuing biennium. Such contribution rate shall be the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation required, together with the prospective value of future contributions from members, and all funds (other than funds allocated to prior service benefits) currently standing to the credit of the retirement fund, to provide for the payment of all future benefits for such members (other than prior service benefits).

(4) The prior service contribution shall be two and one-quarter percent of the prospective compensation of all members in the retirement system in each calendar year, and shall continue at such rate until the assets of the retirement fund allocated to prior service benefits are equal to the then outstanding liability for prior service benefits.

(5) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium.

**43.43.230 Total service credit.** Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all his current service and certified prior service.

**43.43.240 Legal adviser.** The attorney general shall be the legal adviser of the retirement board.

**43.43.250 Retirement of members.** (1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) No member shall contribute to the retirement fund or receive service credit after he has completed twenty-five years of service: *Provided*, That any member who was a member prior to the effec-

tive date of this act (1963 c 75 § 1, effective date was June 13, 1963) may contribute to the retirement fund and receive service credit until he attains the percentage of average final salary provided by any previous act under which he has served.

**43.43.260 Benefits.** Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to one and one-half percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

**43.43.265 Recomputation of average final salary.** The average final salary of members now retired shall be recomputed in accordance with RCW 43.43.120(14) and from the effective date of this act (1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955) the retirement allowance of such members shall be paid under RCW 43.43.260 upon the basis of the average final salary as recomputed.

**43.43.266 ———Construction.** The provisions of this act (1959 c 8) are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act (1959 c 8).

**43.43.270 Annuities.** (1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die, either while in service or after retirement, his lawful spouse shall be paid an annuity which shall be equal to twenty-five percent of the average final salary of the member. If the member should die after retirement the average final salary will be the average final salary used in computing his retirement allowance at the time of his retirement. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) If the member is survived by one child under the age of eighteen years the child shall be paid an annuity of seventy-five dollars per month until such time as the child shall attain the age of eighteen years or shall marry or die.

(b) If the member is survived by two or more children under the age of eighteen years the children shall be paid an annuity which shall total one hundred and fifty dollars per month until such time as the children shall attain the age of eighteen years or shall marry or die. When the number of children under the age of eighteen years and unmarried has been reduced to one, the annuity shall be reduced to seventy-five dollars per month.

(4) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

**43.43.280 Repayment of contributions on death or termination of employment.** (1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he may request upon a form provided by the retirement board a refund of all or part of his contributions to the retirement fund, with interest at two and one-half percent compounded annually, and this amount shall be paid to him.

**43.43.290 Status in case of disablement.** Should a member become permanently and totally disabled, as a direct and proximate result of injury received in the course of employment he shall receive benefits under RCW 43.43.040 and during such period will be a nonactive member. If any nonactive member returns to active duty with the Washington state patrol, he shall be eligible to become an active member by paying into the retirement fund all contributions accumulated during the period of his disability.

**43.43.300 Contributions by members—State contributions remain in fund if member leaves patrol.** Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

**43.43.310 Benefits exempt from taxation and legal process.** The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

**43.43.320 Penalty for falsification.** Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the Washington state patrol retirement fund in any attempt to defraud such fund shall be guilty of a gross misdemeanor.

**43.43.330 Examinations for promotion.** Appropriate examinations shall be conducted for the promotion of commissioned patrol officers. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent.

**43.43.340 Eligible list, and promotions therefrom.** The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the

examinations. The chief, or the committee mentioned in RCW 43.43.330 at his request, may determine the lowest examination grade which will qualify an officer for inclusion of his name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

After an eligible list is made up all promotions shall be made from the three top names on the applicable list, and each officer shall be informed in writing as his name is included in the top three on an eligible list. No officer whose name appears within the top three on any eligible list shall be passed over for promotion more than three times.

After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol.

**43.43.350 Determination of eligibility for examination or promotion.** Eligibility for examination or promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant; patrol officers with one year of probationary experience in the rank of lieutenant, in addition to two years as a regular lieutenant, shall be eligible for examination for the rank of captain.

**43.43.360 Probationary period.** All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

During his one year probationary period any newly appointed officer may be removed, or any officer promoted through examinations may be demoted to his previous rank by the chief without charges being preferred and without benefit of a hearing, as might otherwise be required under this chapter.

**43.43.370 Staff or technical officers.** The chief of the Washington state patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such.

Staff or technical officers may be returned to their line rank or position whenever the chief so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion whenever the examinations may be held.

If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: *Provided*, Nothing contained herein shall be construed as giving the chief the right to demote or to reduce the rank of any officer of the patrol who was holding such office on April 1, 1949.

**43.43.380 Minimum salaries.** The minimum monthly salary paid to state patrol officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars.

## Chapter 43.46

### ARTS COMMISSION

**43.46.010 Declaration of purpose.** It is hereby declared that the preservation and development of beauty is essential to the progress and growth of the state of Washington. The growth and development of the arts provides for the general welfare and is hereby declared to be an appropriate matter of concern to the government of the state of Washington. This growth and development has enabled the state of Washington, although comparatively young in years, to produce many artists and writers of national and international fame.

**43.46.020 Commission established—Composition.** There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members shall be selected where practicable from the various geographical areas of the state.



**43.46.030 Terms—Vacancies.** Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms.

**43.46.040 Compensation — Organization — Officers — Rules — Quorum.** Members of the commission shall serve without compensation. The commission shall organize, elect a chairman annually, and adopt its own rules and regulations. A majority of its members shall constitute a quorum.

**43.46.050 Powers and duties generally.** The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the beautification and cultural development of the state of Washington.

**43.46.060 Gifts and grants.** The commission may accept gifts and grants upon such terms as the commission shall deem proper.

**43.46.070 Annual reports.** The commission shall make an annual report of its proceedings and recommendations to the governor.

**43.46.080 Designation of poet laureate authorized.** The commission shall have the authority to designate a poet laureate for the state of Washington.

### Chapter 43.49

#### COLUMBIA BASIN COMMISSION

**43.49.010 Commission created—Composition.** There shall be a nonsalaried commission to be known as the Columbia Basin commission, which shall consist of seven members, namely: One member designated by and from among the directors of the Quincy-Columbia Basin irrigation district, one designated by and from among the directors of the East Columbia Basin irrigation district, one designated by and from among the directors of the South Columbia Basin irrigation district; three members appointed by the governor, and removable by him at his pleasure; and the director of conservation who shall be chairman of the commission.

Not later than the first day of February each year, each of the respective irrigation district boards shall select one of its members to serve on the Columbia Basin commission for the ensuing year, and shall thereupon forthwith certify such selection to the governor. The term of any member designated by an irrigation district shall

terminate when his successor has been certified to the governor or upon the expiration of his term as irrigation district director.

Each member of the commission, except the director of conservation shall receive fifteen dollars per day and transportation while actually engaged in the performance of his duties within the state.

**43.49.020 Commission divided into sections.** The commission shall be divided into two groups known as the reclamation section and the resources section which shall function jointly and separately as hereinafter provided.

The membership of the reclamation section shall consist of the three members representing the three Columbia Basin irrigation districts and the director of conservation, who shall be chairman of the section.

The membership of the resources section shall consist of the three members appointed by the governor and the director of conservation, who shall be chairman of the section.

**43.49.030 General powers—Quorum—Meetings.** The Columbia Basin commission shall study and promote the development and utilization of the agricultural, water, power, mineral, timber, recreational, and other natural resources of the Columbia river basin, with special reference to those parts embracing the Columbia Basin irrigation project, Grand Coulee power project, and tributary areas. A majority of the commission shall constitute a quorum. The commission shall meet at the call of the chairman, and in no event less than twice a year.

**43.49.040 Powers of reclamation section.** The reclamation section of the Columbia Basin commission shall advise and assist the board of directors of the Columbia Basin irrigation districts in matters relating to the construction and development of the Columbia Basin irrigation project by the federal government to the end that full benefits may be realized at the earliest feasible time to the nation, state, and region.

None of the powers and duties of the commission shall be construed to interfere or conflict with or supersede the powers and duties of the boards of directors of said districts, but in order to effectively advise and assist the districts, landowners, and settlers, the reclamation section shall:

(1) Formulate and promote the passage of state and national legislation prescribing the basis for repayment contracts between the federal government and the irrigation districts, for appraisal of lands and the disposition of excess land holdings, and for the selection of settlers and the settlement and development of project lands;

(2) Review studies heretofore made and undertake studies of its own in order to determine the amount of irrigation construction costs which can be safely assumed and repaid by the project farmers under the terms of the national reclamation act; aid in securing a sufficient allocation of power revenues from the Coulee Dam power development to cover any portion of construction costs which cannot be safely assumed and repaid by the project farmers, and aid the irrigation districts in securing repayment contracts that are safe and equitable to both contracting parties;

(3) Give broad study to the relative merits of the various plans for delivery and distribution of irrigation water to the several portions of the project area, and suggest and advocate the adoption of that plan which appears to most adequately satisfy future and present requirements;

(4) At proper and opportune times urge upon congress the appropriation of funds for commencement of construction of the irrigation project and for its progressive prosecution at rates commensurate with the rate of settlement and development of the project lands;

(5) Study methods and plans for settlement and development of the project lands and actively cooperate with and render aid to federal and other agencies engaged therein;

(6) Engage in a general educational program to gain general recognition of the benefits which will accrue from the project to the state and nation through creation of new wealth, and provide data and information for members of congress, any committee thereof, and for federal officials as an aid in securing needed legislation, contracts, and timely appropriations for the project; and the reclamation section shall be charged with responsibility for studying and obtaining state-wide and national recognition of the potentialities of this project for immediate postwar employment;

(7) Study and further the establishment of such industrial enterprises within or adjacent to the project as will utilize electric energy developed at Coulee Dam and food and fiber crops grown upon the project; and the reclamation section may study and make recommendations with respect to any major matters or plans affecting the economic and social aspect of the project and its present and prospective inhabitants.

**43.49.050 Powers of resources section.** The resources section of the Columbia Basin commission shall study and promote the development of the hydroelectric resources of the Columbia river and further promote the discovery and use of all mineral, agricultural, and industrial resources of the Columbia river basin.

**43.49.060 Secretary and employees—Out-of-state expenses.** The Columbia Basin Commission may employ secretaries and such other persons as may be necessary to carry out its functions, fix the compensation to be paid to such employees, and expend funds allocated under the provisions of law as may be necessary for such purposes.

Whenever the commission finds it necessary or desirable, in the interest of the attainment of any of its lawful objectives, to delegate its members, officers, or employees to temporary duties at points outside the state, such representatives, in addition to any other compensation provided for, may be reimbursed in full for actual and necessary traveling, lodging, and subsistence expenses incurred while so engaged.

**43.49.070 Cooperation of state departments—Reports—Hearings.** The records and data of all state officials and departments shall be available to the commission and its sections, and all officers and departments are directed to cooperate with the commission and its sections.

The commission shall report to all regular and special sessions of the legislature and present statements in detail of all activities, expenditures, and developments, and may recommend such legislation as may be required to promote the construction and development of the project. The commission may hold hearings and subpoena and serve compulsory process to compel the attendance of witnesses before it.

## Chapter 43.51

### PARKS AND RECREATION COMMISSION

**43.51.010 Definitions.** For purposes of this chapter, "recreation" means those activities of a voluntary and leisure time nature which aid in promoting entertainment, pleasure, play, relaxation, or instruction.

"Commission" means state parks and recreation commission.

**43.51.020 Commission created—Composition.** There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission, except three, shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years: *Provided*, That of the members first appointed, one shall be appointed for a term of two years, one for a term of four years, and two each for a term of six years. Three members may be elected state officials and

shall be appointed by the governor and serve during the terms for which they were elected.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person, except the three state officials mentioned herein shall be appointed if he holds any elective or appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of fifteen dollars, except that no public official shall receive a per diem, for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

**43.51.030 Chairman—Meetings—Quorum.** The commission shall elect one of its members as chairman. The commission may be convened at such times as the chairman deems necessary, and a majority shall constitute a quorum for the transaction of business.

**43.51.040 Powers and duties—Mandatory.** The commission shall:  
(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such conces-

sions for terms not to exceed forty years in state parks and parkways lying within the Columbia Basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed five percent of the proposed purchase price of the property; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property; and

(d) The terminal date of the option does not extend beyond the August first following the regular session of the legislature next succeeding the date of execution of the option agreement.

(e) Not more than three hundred thousand dollars principal sum may be committed in any biennium by use of the process of option agreements.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommenda-

tions respecting other regions in the state desirable for state park or parkway purposes.

**43.51.050 Additional powers and duties.** The commission may: (1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities.

**43.51.060 Further powers—Director of parks and recreation—Salaries.** The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state parks and parkway account;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**43.51.062 Lease of park lands for television stations.** The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: *Provided*, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes.

**43.51.070 Donations of land for park purposes.** The commission may receive and accept donations of lands for state park purposes, and shall have the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation.

**43.51.080 Parks in island counties.** Whenever any tract of land not exceeding one hundred acres in area considered as a whole regardless of ownership, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall in the judgment of the commission be desirable for state park purposes, the commission may lease, purchase, or condemn said tract for park purposes and incorporate it within the adjoining established park: *Provided*, That nothing in this act [1925 ex.s. c 92] shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks and recreation commission.

**43.51.090 Bequests and donations of money.** The commission may receive in trust any money donated or bequeathed to it, and carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited in the state treasury to the credit of the state parks and parkways account.

**43.51.100 Withdrawal of granted lands on public highways.** Inasmuch as the value of land with standing timber is increasing and will continue to increase from year to year and no loss will be caused to the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale thereof, the commissioner of public lands



may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state abutting on any public highway and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

Such lands shall not be sold until directed by the legislature, and shall in the meantime be under the care, charge, control, and supervision of the commission.

**43.51.110 Withdrawal of other lands—Exchange for lands on highway.** The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the state parks and recreation commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the commission may execute deeds of conveyance in the name of the state.

**43.51.120 Dedication as parks and parkways.** All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all of the people of this state.

**43.51.130 Permits for improvement of parks.** The state parks and recreation commission may grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter.

**43.51.140 Application for permit.** Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or

association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside.

**43.51.150 Plans and specifications.** If the state parks and recreation commission determines that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks commission, shall be incorporated in the permit when granted.

**43.51.160 Surety bond.** Before any permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the state, in such penal sum as the commission shall require, with good and sufficient sureties to be approved by the commission, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of RCW 43.51.100, will pay into the state treasury to the credit of the fund to which the proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land, destroyed, or used in making such improvement.

**43.51.170 Police powers vested in commission and employees.** The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state.

**43.51.180 Penalties.** Every person who:

(1) Cuts, breaks, injures, destroys, takes or removes any tree, shrub, timber, plant, or natural object in any park or parkway; or

(2) Kills, or pursues with intent to kill, any bird or animal in any park or parkway; or

(3) Takes any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as the commission may prescribe; or

(4) Wilfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(5) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or wilfully or carelessly permits any fire which he has lighted or which is under his charge, to spread or extend to or burn any of the shrubbery, trees, timber,

ornaments, or improvements upon any park or parkway, or leaves any campfire which he has lighted or which has been left in his charge, unattended by a competent person, without extinguishing it; or

(6) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event; or

(7) Violates any rule or regulation adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter; shall be guilty of a misdemeanor.

**43.51.210 Disposal of land not needed for park purposes.** Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission with the approval of the department of natural resources, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. All proceeds derived from the sale of such park property shall be paid into the parks and parkway account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the department of natural resources: *Provided*, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

**43.51.220 Small boat facilities for Puget Sound authorized.** To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to

construct the necessary floats and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof.

**43.51.230 Lease with option to purchase parental school facilities.** The commission may execute leases with options to purchase and then subsequently purchase but not before July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission for approval to the voters of the school district, sell or execute leases with options to purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

### **Youth Development and Conservation Corps**

**43.51.500 Declaration of purpose.** The purpose of RCW 43.51.500 through 43.51.570 is to provide: (1) The opportunity for healthful employment of young men in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our young men to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature.

**43.51.510 Youth development and conservation division established—Supervisory personnel.** There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570.

**43.51.520 Youth development and conservation committee.** There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of conservation, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program.

**43.51.530 Composition of youth corps—Qualifications, conditions, period of enrollment, etc.** Composition of the corps shall consist of male individuals who are citizens of the United States and residents of the state of Washington of good character and health, and who are not less than sixteen nor more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

**43.51.540 Compensation—Quarters—Hospital services, etc.** (1) The base compensation shall be at the rate of twenty-five dollars per week, except that an additional five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quar-

ters, subsistence, and equipment may be furnished by any governmental or public agency.

**43.51.550 Laws relating to hours, conditions of employment, civil service, etc., not applicable.** Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of RCW 43.51.500 through 43.51.570.

**43.51.560 Expenditures, gifts, government surplus materials.** The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or contributions of money, material, lands, or personal property as it deems appropriate and may administer and dispose of them as it determines to be in the interests of the general public.

**43.51.570 Agreements with private persons to enroll additional people—Commercial activities prohibited—Authorized closures of area.** The commission may, by agreement with an individual or company enroll and supervise additional young men, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

## Chapter 43.52

### OPERATING AGENCIES (POWER COMMISSION)

**43.52.250 Definitions.** As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

“Commission” means the Washington state power commission.

“District” means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“City” means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“Canada” means the Dominion of Canada or any province thereof.

“Public utility” means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

**43.52.260 Declaration of policy—General duties of commission—Scope of authority.** It is the intent of this act [1955 c 258] and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever.

**43.52.272 Power commission abolished.** The Washington state power commission is hereby abolished.

**43.52.290 Commission members — Compensation — May hold other public position.** Members of the commission shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the commission, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the commission such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day.

**43.52.300 Powers and duties of commission.** The commission shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state, of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied



by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

**43.52.340 May not obligate state—Disposition of revenues.** The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund.

**43.52.3411 Revenue bonds or warrants.** For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the

utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state.

**43.52.343** ————**Advertisement, bid, sale.** All bonds issued by an operating agency shall be sold to the highest and best bidder after such advertising for bids as the board of the operating agency may deem proper: *Provided*, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests.

**43.52.350 Commission to provide fishways, facilities and hatcheries—Contracts.** The commission shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam or other obstruction operated by the commission or to replace fisheries damaged or destroyed by such dam or obstruction and the commission is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries.

**43.52.360 Operating agency—Formation—Additional projects—Appeals—Membership, withdrawal—Dissolution.** Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of conservation (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of conservation notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of conservation not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially cor-

rect; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof, application to construct such additional project shall be made to the director of conservation in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency,

and thereupon such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: *Provided*, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common.

**43.52.370 Operating agency board—Members, appointment, vote, term, etc.—Rules—Proceedings.** The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchase by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: *Provided*, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency to the same extent and subject to the same limitations as is provided for members of the commission in RCW 43.52.290: *Provided*, That the per diem compensation to any member shall not exceed five thousand dollars in any year.

**43.52.373 Executive committee—Composition, powers and duties, terms.** The board of an operating agency by rule may create an executive committee to be composed of not less than three nor more than seven members of the board. The board may provide by rule for the composition of the executive committee so as to afford, in its judgment, fair representation to the member public utility districts and cities. The executive committee shall administer the business of the board during intervals between its meetings in accordance with its rules, motions or resolutions. The executive committee shall have authority to acquire or construct only such properties as may be provided for by motion or resolution of the board. The terms of office of the members of the executive committee and the method of filling vacancies therein shall be fixed by the rules of the board of the operating agency.

**43.52.375 Treasurer—Auditor—Official bonds—Funds.** The board of each joint operating agency shall by resolution appoint a treasurer. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: *Provided*, That the board by resolution may authorize the executive committee to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the committee in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he

shall place all money of the joint operating agency as the board by resolution or motion may direct.

**43.52.380 Member's preference to buy energy—Apportionment—Surplus.** Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy.

**43.52.391 Powers and duties of operating agency.** Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for

the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper. In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon, the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed six percent per annum.

**43.52.410 City or district may contract for electric energy or falling waters.** Any city or district is authorized to enter into contracts or compacts with the commission or any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters.

**43.52.430 Appeals from commission or director.** Any party in interest deeming itself aggrieved by any order of the commission or of the director of conservation may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court as in the case of civil appeals.

**43.52.440 Effect of chapter on "Columbia River Sanctuary Act."** Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act.

**43.52.450 Chapter requirements are cumulative—Preservation of rights—Not subject to utilities and transportation commission.** The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or cor-



poration or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of the commission or any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission.

**43.52.460 Operating agency to pay in lieu of taxes.** Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: *Provided, however,* That such tax shall not apply to steam generated electricity.

**43.52.470 Operating agency—Validity of organization and existence.** Except as provided in RCW 43.52.360, the validity of the organization of any joint operating agency can be questioned only by action instituted within six months from the date that the joint operating agency is created. If the validity of the existence of any joint operating agency is not challenged within that period, by the filing and service of a petition or complaint in the action, the state shall be barred forever from questioning the validity of the joint operating agency by reason of any defect claimed to exist in the organization thereof, and it shall be deemed validly organized for all purposes. Any joint operating agency heretofore (March 26, 1957) attempted to be organized pursuant to chapter 43.52 and which has maintained its existence since the date of such attempted organization, is hereby declared legal and valid and its organization and creation are validated and confirmed.

**43.52.910 Construction.** This chapter shall be liberally construed to effectuate its purposes.

## Chapter 43.56

### UNIFORM LEGISLATION COMMISSION

**43.56.010 Appointment of commissioners.** The governor shall appoint three suitable persons as a board of commissioners for the promotion of uniformity of legislation in the United States. Any vacancy on the board shall be filled by appointment by the governor.

**43.56.020 Duties of commission.** The board shall examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States.

It shall confer upon these matters with the commissioners appointed by other states for the same purpose and consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally devise and recommend such other and further course of action as shall accomplish such uniformity.

**43.56.030 Record to be kept—Reports.** The board shall keep a record of all its transactions, and shall, at each biennial session, and may at any other time, make a report to the legislature, of its doings and recommendations.

**43.56.040 Remuneration of members.** No member of the board shall receive any compensation for his services, but each member shall be repaid from the state treasury the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state.

## Chapter 43.57

### INTERSTATE COMPACT COMMISSION

**43.57.010 Commission created—Appointment of members—Purpose.** There is created the interstate compact commission to consist of five members, no more than three of which shall have the same political party affiliation, to be appointed as follows: One member, appointed by the governor, who shall be the chairman and who shall serve at the pleasure of the governor, and four members of the state legislature, two of whom shall be members of the house of representatives and shall be appointed by the speaker of the house, and two of whom shall be members of the senate and shall be appointed by the president of the senate. The commission shall represent the state on a joint commission to be composed of commissioners representing the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming and one or more commissioners representing

the United States, should they be appointed to said joint commission by the president of the United States, which joint commission shall be organized for the purpose of considering, negotiating and entering into an agreement or compact between not less than five of said states, with the consent of the congress of the United States respecting the division, apportionment and use of the waters of the Columbia river and of its tributaries and the determination of rights in connection therewith and incidental thereto.

**43.57.020 Powers and duties—Per diem and expenses—Term of office.** The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall receive a per diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman.

**43.57.030 When agreement or compact is binding upon states.** Any agreement or compact approved by said joint commission on behalf of said states shall not be binding or obligatory upon any of said states or the citizens thereof, until and unless the same shall have been ratified and approved by the legislatures of not less than five of said states and by the congress of the United States: *Provided*, That said agreement or compact shall not be binding upon any state the legislature of which fails to ratify or approve the same.

**Chapter 43.58****WASHINGTON—OREGON BOUNDARY COMMISSION**

**43.58.050 Oregon-Washington Columbia River boundary compact—Ratification.** The interstate compact determining the Oregon-Washington boundary on the Columbia River which was executed on the 21st day of December, 1956 by the Oregon commission on interstate cooperation for the state of Oregon and the Washington-Oregon boundary commission for the state of Washington is hereby ratified and approved.

**43.58.060 ————Terms and provisions.** The terms and provisions of the compact referred to in RCW 43.58.050 are as follows:

**INTERSTATE COMPACT DETERMINING OREGON-  
WASHINGTON BOUNDARY ON THE  
COLUMBIA RIVER**

**ARTICLE I. PURPOSE**

The boundary between the states of Oregon and Washington along the course of the Columbia River has not been easy to ascertain because of changes in the main channel of the river with a result that a state of confusion and dispute exists and the enforcement and administration of the laws of the two states has been rendered difficult.

The purpose of this compact is to fix with precision by reference to stations of longitude and latitude the boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the most easterly point at which the 46th parallel of North latitude crosses said river, at which point the river ceases to form the boundary between the two states.

**ARTICLE II. DESCRIPTION**

The boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the point at which the last described point number (#191) of the boundary as herein determined meets the 46th parallel of North latitude at 118°59'10".12 of West longitude shall be as follows:

Beginning one marine league at sea off the mouth of the Columbia river at north latitude 46°15'00".00; running thence due east to point number 1 of this description, which point is at north latitude 46°15'00".00, west longitude 124°05'00".00; thence from point number

1 continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

| Point Number | North Latitude | West Longitude | Description of Location  |
|--------------|----------------|----------------|--|
| 1            | 46°15'00".00   | 124°05'00".00  |  |
| 2            | 46°15'51".00   | 124°02'02".75  |  |
| 3            | 46°16'17".00   | 124°01'45".80  |  |
| 4            | 46°16'59".50   | 124°02'14".40  |  |
| 5            | 46°17'28".00   | 124°02'07".00  |  |
| 6            | 46°17'33".25   | 124°01'12".25  |  |
| 7            | 46°16'41".50   | 124°00'00".00  |  |
| 8            | 46°16'03".00   | 123°58'11".80  |  |
| 9            | 46°14'19".80   | 123°55'42".00  |  |
| 10           | 46°14'06".00   | 123°52'14".50  |  |
| 11           | 46°16'09".50   | 123°44'20".50  |  |
| 12           | 46°15'01".00   | 123°41'12".70  |  |
| 13           | 46°15'33".30   | 123°38'52".80  |  |
| 14           | 46°15'23".90   | 123°35'05".00  |  |
| 15           | 46°15'38".00   | 123°32'23".00  |  |
| 16           | 46°16'14".60   | 123°30'00".00  |  |
| 17           | 46°15'46".70   | 123°27'51".40  |  |
| 18           | 46°14'23".50   | 123°25'51".60  |  |
| 19           | 46°13'10".50   | 123°25'20".50  |  |
| 20           | 46°11'29".00   | 123°25'43".60  |  |
| 21           | 46°10'47".80   | 123°25'38".00  |  |
| 22           | 46°09'01".00   | 123°23'21".50  |  |
| 23           | 46°08'33".00   | 123°18'45".60  |  |
| 24           | 46°09'04".50   | 123°15'47".20  |  |
| 25           | 46°10'00".00   | 123°13'51".20  |  |
| 26           | 46°11'20".80   | 123°09'55".50  |  |
| 27           | 46°11'11".30   | 123°07'10".90  |  |
| 28           | 46°09'40".00   | 123°04'23".50  |  |
| 29           | 46°09'24".00   | 123°03'22".40  |  |
| 30           | 46°08'38".40   | 123°02'00".00  |  |
| 31           | 46°08'06".00   | 123°00'16".00  |  |
| 32           | 46°06'20".02   | 122°57'44".28  |  |
| 33           | 46°06'17".36   | 122°57'38".295 | a point on the center line of the Longview Bridge at center of main span |
| 34           | 46°06'14".71   | 122°57'32".31  |  |
| 35           | 46°05'02".70   | 122°54'11".00  |  |
| 36           | 46°03'37".50   | 122°52'59".50  |  |
| 37           | 46°01'53".50   | 122°52'35".50  |  |

| Point Number | North Latitude | West Longitude | Description of Location   |
|--------------|----------------|----------------|---|
| 38           | 46°00'52".25   | 122°51'17".20  |   |
| 39           | 45°58'52".00   | 122°50'11".80  |   |
| 40           | 45°57'40".00   | 122°48'46".80  |   |
| 41           | 45°55'57".00   | 122°48'18".00  |   |
| 42           | 45°54'47".00   | 122°48'36".75  |   |
| 43           | 45°53'05".00   | 122°47'48".30  |   |
| 44           | 45°52'06".00   | 122°47'01".50  |   |
| 45           | 45°50'40".00   | 122°47'04".50  |   |
| 46           | 45°49'31".20   | 122°47'41".00  |   |
| 47           | 45°48'37".00   | 122°47'40".00  |   |
| 48           | 45°46'51".00   | 122°46'06".30  |   |
| 49           | 45°45'34".20   | 122°45'37".00  |   |
| 50           | 45°44'04".70   | 122°45'32".00  |   |
| 51           | 45°42'05".00   | 122°46'16".00  |   |
| 52           | 45°40'50".80   | 122°46'24".00  |   |
| 53           | 45°39'26".75   | 122°45'46".00  |   |
| 54           | 45°38'40".00   | 122°44'13".00  |   |
| 55           | 45°38'17".00   | 122°42'47".50  |   |
| 56           | 45°37'35".37   | 122°41'35".14  |   |
| 57           | 45°37'29".47   | 122°41'23".855 | a point on the center line of Northern Pacific Railroad Bridge across Columbia River, which point is at center of 3rd pier south of the draw span   |
| 58           | 45°37'26".52   | 122°41'18".215 |   |
| 59           | 45°37'07".85   | 122°40'33".42  |   |
| 60           | 45°37'05".938  | 122°40'26".939 | a point on the center line of the west highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge |
| 61           | 45°37'05".62   | 122°40'25".86  | a point on the center line of the east highway bridge crossing the Columbia River between Portland, Ore.  |

| Point Number | North Latitude | West Longitude | Description of Location   |
|--------------|----------------|----------------|---|
|              |                |                | and Vancouver, Wash.,<br>said point being 12.0 ft.<br>south from the center<br>of pier No. 6 of said<br>bridge                            |
| 62           | 45°37'03".71   | 122°40'19".38  |   |
| 63           | 45°36'34".00   | 122°38'27".00  |   |
| 64           | 45°36'29".80   | 122°36'21".30  |   |
| 65           | 45°36'20".00   | 122°35'20".00  |   |
| 66           | 45°35'47".90   | 122°32'48".00  |   |
| 67           | 45°35'23".50   | 122°31'24".20  |   |
| 68           | 45°35'01".00   | 122°29'30".00  |   |
| 69           | 45°34'42".80   | 122°28'20".50  |   |
| 70           | 45°34'03".00   | 122°27'09".30  |   |
| 71           | 45°33'49".00   | 122°26'15".80  |   |
| 72           | 45°34'03".30   | 122°24'36".50  |   |
| 73           | 45°34'29".50   | 122°23'25".80  |   |
| 74           | 45°34'33".40   | 122°22'44".00  |   |
| 75           | 45°34'10".00   | 122°21'04".00  |   |
| 76           | 45°32'55".20   | 122°19'49".00  |   |
| 77           | 45°32'38".00   | 122°17'43".70  |   |
| 78           | 45°32'38".80   | 122°15'56".70  |   |
| 79           | 45°33'03".25   | 122°14'24".50  |   |
| 80           | 45°33'55".00   | 122°11'58".50  |   |
| 81           | 45°34'37".00   | 122°10'54".00  |   |
| 82           | 45°35'03".00   | 122°08'25".50  |   |
| 83           | 45°34'53".40   | 122°06'40".00  |   |
| 84           | 45°35'00".00   | 122°06'02".00  |   |
| 85           | 45°36'35".00   | 122°02'35".00  |   |
| 86           | 45°36'53".80   | 122°01'11".50  |   |
| 87           | 45°36'58".00   | 122°00'08".50  |   |
| 88           | 45°37'23".00   | 121°58'54".50  |   |
| 89           | 45°37'59".00   | 121°57'42".80  |   |
| 90           | 45°38'37".50   | 121°57'16".50  |   |
| 91           | 45°38'42".00   | 121°57'01".80  |   |
| 92           | 45°38'40".35   | 121°56'37".34  |   |
| 93           | 45°38'40".13   | 121°56'22".57  | a point at the inter-<br>section of the axis of<br>Bonneville Dam and<br>the center line of center<br>pier of the spillway<br>of said dam |
| 94           | 45°38'39".82   | 121°56'01".46  |   |

| Point Number | North Latitude | West Longitude | Description of Location  |
|--------------|----------------|----------------|--|
| 95           | 45°39'17".00   | 121°54'25".00  |  |
| 96           | 45°39'43".85   | 121°53'58".48  | a point on center line of bridge at Cascade Locks, known as "The Bridge of the Gods" and in the center of the main span of said bridge |
| 97           | 45°39'44".81   | 121°53'58".16  |  |
| 98           | 45°39'45".77   | 121°53'57".84  |  |
| 99           | 45°40'15".00   | 121°54'02".00  |  |
| 100          | 45°41'36".80   | 121°51'57".00  |  |
| 101          | 45°42'24".75   | 121°48'36".00  |  |
| 102          | 45°41'39".00   | 121°44'02".00  |  |
| 103          | 45°41'42".00   | 121°42'22".00  |  |
| 104          | 45°42'19".00   | 121°40'02".00  |  |
| 105          | 45°42'17".50   | 121°37'48".50  |  |
| 106          | 45°43'36".00   | 121°31'54".30  |  |
| 107          | 45°43'15".275  | 121°29'52".445 |  |
| 108          | 45°43'07".02   | 121°29'36".615 | a point on the center line of the Hood River Bridge at the center of the draw span of said bridge                                      |
| 109          | 45°43'04".075  | 121°29'30".96  |  |
| 110          | 45°42'05".20   | 121°27'41".80  |  |
| 111          | 45°41'39".25   | 121°25'22".00  |  |
| 112          | 45°41'35".00   | 121°24'02".00  |  |
| 113          | 45°42'11".50   | 121°22'17".00  |  |
| 114          | 45°42'18".00   | 121°20'11".50  |  |
| 115          | 45°42'00".00   | 121°18'40".00  |  |
| 116          | 45°41'13".30   | 121°17'10".00  |  |
| 117          | 45°40'40".50   | 121°14'52".00  |  |
| 118          | 45°40'17".00   | 121°12'52".50  |  |
| 119          | 45°39'00".00   | 121°11'57".00  |  |
| 120          | 45°37'47".00   | 121°11'38".40  |  |
| 121          | 45°37'00".25   | 121°11'43".00  |  |
| 122          | 45°36'23".80   | 121°10'57".00  |  |
| 123          | 45°36'22".50   | 121°10'00".00  |  |
| 124          | 45°36'29".175  | 121°08'39".84  |  |
| 125          | 45°36'40".89   | 121°08'22".135 | a point on the center line of the Dalles Bridge across the Co-   |



| Point Number | North Latitude | West Longitude | Description of Location  |
|--------------|----------------|----------------|--|
|              |                |                | lumbia River at the center of the main span of said bridge   |
| 126          | 45°36'43".94   | 121°08'17".53  |  |
| 127          | 45°36'35".69   | 121°07'50".34  |  |
| 128          | 45°36'58".44   | 121°07'16".41  |  |
| 129          | 45°37'06".095  | 121°06'57".58  |  |
| 130          | 45°37'14".85   | 121°07'02".75  | a point on the axis of the Dalles Dam at Station 48+79 of the center line survey of said dam                                       |
| 131          | 45°37'23".97   | 121°07'08".14  |  |
| 132          | 45°38'53".13   | 121°05'01".25  |  |
| 133          | 45°39'09".54   | 121°03'47".80  |  |
| 134          | 45°39'04".04   | 121°01'57".51  |  |
| 135          | 45°39'12".08   | 121°00'22".28  |  |
| 136          | 45°38'54".66   | 120°58'56".33  |  |
| 137          | 45°38'55".91   | 120°58'49".52  | a point on the center line of the Oregon Trunk Railroad Bridge and in the center of the 4th pier from the north end of said bridge |
| 138          | 45°38'58".405  | 120°58'35".90  |  |
| 139          | 45°39'24".84   | 120°57'06".97  |  |
| 140          | 45°39'23".58   | 120°56'34".22  |  |
| 141          | 45°38'24".54   | 120°54'44".75  |  |
| 142          | 45°38'35".09   | 120°53'40".72  |  |
| 143          | 45°40'18".79   | 120°51'15".26  |  |
| 144          | 45°41'11".69   | 120°47'14".64  |  |
| 145          | 45°42'19".71   | 120°43'38".83  |  |
| 146          | 45°42'42".58   | 120°42'10".70  |  |
| 147          | 45°42'57".18   | 120°41'18".11  |  |
| 148          | 45°43'48".14   | 120°40'05".19  |  |
| 149          | 45°44'45".12   | 120°38'01".97  |  |
| 150          | 45°44'47".00   | 120°37'17".91  |  |
| 151          | 45°44'47".99   | 120°35'23".91  |  |
| 152          | 45°44'18".49   | 120°33'29".23  |  |
| 153          | 45°42'37".59   | 120°31'17".65  |  |
| 154          | 45°42'00".37   | 120°30'16".48  |  |
| 155          | 45°41'40".42   | 120°28'53".22  |  |

| Point Number | North Latitude | West Longitude | Description of Location   |
|--------------|----------------|----------------|---|
| 156          | 45°41'58".55   | 120°24'08".96  |   |
| 157          | 45°42'41".66   | 120°19'30".62  |   |
| 158          | 45°43'16".74   | 120°16'56".18  |   |
| 159          | 45°43'33".84   | 120°12'34".62  |   |
| 160          | 45°45'43".67   | 120°10'10".01  |   |
| 161          | 45°46'24".09   | 120°08'25".17  |   |
| 162          | 45°47'07".10   | 120°04'08".70  |   |
| 163          | 45°48'26".17   | 120°00'49".27  |   |
| 164          | 45°49'28".29   | 119°57'52".64  |   |
| 165          | 45°49'41".97   | 119°54'21".95  |   |
| 166          | 45°50'25".18   | 119°50'53".51  |   |
| 167          | 45°50'52".00   | 119°48'05".62  |   |
| 168          | 45°50'45".15   | 119°46'18".16  |   |
| 169          | 45°51'25".40   | 119°40'07".80  |   |
| 170          | 45°54'20".70   | 119°37'20".96  |   |
| 171          | 45°55'10".82   | 119°35'58".28  |   |
| 172          | 45°55'32".25   | 119°34'13".67  |   |
| 173          | 45°54'31".37   | 119°31'24".18  |   |
| 174          | 45°54'23".43   | 119°29'13".01  |   |
| 175          | 45°55'03".10   | 119°26'57".35  |   |
| 176          | 45°55'18".10   | 119°21'48".12  |   |
| 177          | 45°55'51".37   | 119°19'52".71  |   |
| 178          | 45°55'54".48   | 119°19'39".28  | a point on the center line of the Umatilla Bridge at the center of the north main span of said bridge |
| 179          | 45°55'59".59   | 119°19'17".20  |   |
| 180          | 45°56'10".26   | 119°17'47".60  | a point on the axis of McNary Dam at the north face of the south non overflow section                 |
| 181          | 45°56'15".24   | 119°17'05".76  |   |
| 182          | 45°56'24".05   | 119°15'21".40  |   |
| 183          | 45°55'58".60   | 119°13'28".22  |   |
| 184          | 45°55'40".97   | 119°11'39".82  |   |
| 185          | 45°55'40".26   | 119°10'05".04  |   |
| 186          | 45°55'58".55   | 119°07'30".72  |   |
| 187          | 45°56'34".25   | 119°05'32".00  |   |
| 188          | 45°57'31".28   | 119°03'37".36  |   |
| 189          | 45°58'09".33   | 119°01'33".95  |   |
| 190          | 45°58'45".73   | 119°00'27".12  |   |
| 191          | 46°00'00".00   | 118°59'10".12  |   |

### ARTICLE III. RATIFICATION AND EFFECTIVE DATE

This compact shall become operative when it has been ratified by the legislatures of the states of Oregon and Washington and approved by the Congress of the United States and the Constitutions of the states of Oregon and Washington have been amended to authorize the establishment of the boundary as herein provided.

**43.58.070** ————**Transfer of records, etc., to division of archives.** Upon ratification by the state of Oregon and approval by the Congress of the United States of the compact set forth in RCW 43.58.060, the secretary of the Washington-Oregon boundary commission is hereby directed to transmit all records, work sheets, maps, minutes and other papers of said commission to the division of archives of the department of general administration.

**43.58.090** ————**Repeal of RCW 43.58.010 through 43.58.040, when.** Chapter 27, Laws of 1937, as amended by chapter 6, Laws of 1955 extraordinary session and chapter 43.58 RCW [RCW 43.58.010 through 43.58.040] each shall be repealed when the compact set forth in RCW 43.58.060 has been ratified by the state of Oregon and approved by the Congress of the United States.

### Chapter 43.60

#### SAFETY COUNCIL

**43.60.010 Safety council established.** The Washington state safety council, hereinafter referred to as the council, is hereby assigned to the Washington state patrol for purposes of administration and supervision.

**43.60.020 Functions of council.** The council shall study ways and means for prevention of accidents on the streets and highways, in homes, on the farms, at schools, in industrial and commercial plants, and in public places; shall plan and execute **safety programs**, including educational campaigns, designed to reduce accidents in every field of activity; shall work in cooperation with all official and unofficial organizations and instrumentalities within the state which are interested in safety to the end that all possible resources shall be marshalled and utilized to reduce the menace of accidental death and injury; shall work toward obtaining better observance and enforcement of laws governing street and highway traffic, and shall assist in bringing about, wherever feasible, the application of further modern engineering measures for the control and facility of street and highway traffic movement and for the prevention of

traffic accidents; shall advise with the state departments having responsibilities for safeguarding the people against accidents, and especially with the director of highways, the chief of the state patrol, the chairman of the utilities and transportation commission, the director of licenses, the superintendent of public instruction and the director of labor and industries in the accomplishment of the purposes as herein stated.

**43.60.030 Functions—Chapter exclusive.** The council shall have no authority, power or duties now vested in any department or departments of the state except as provided in this chapter.

**43.60.040 Organization of council.** The council shall be composed of an executive board, and advisory committee, an official coordinating committee, the staff of the council, and such divisions or additional committees as may be established by the executive board to assist in carrying out the purposes of the council.

**43.60.050 Executive board—Composition.** The executive board shall be composed of the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the director of labor and industries, and six members to be appointed by the governor from among citizens of the state who are not officers, officials or employees of the state or any department or unit thereof, or who are not officers, officials or employees of any city, town, county or other minor civil subdivision of the state.

**43.60.060 Executive board—Appointment of members—Terms—Officers.** Within thirty days after June 6, 1951, the governor shall appoint the citizen members of the executive board, two to serve for terms of two years, two to serve for terms of four years, two to serve for terms of six years; the terms to begin as of January 1, 1951. In each second year thereafter the governor shall appoint two members of the board to serve for terms of six years.

From among its citizen members the executive board shall elect a chairman and a vice chairman of the board to serve in such capacities during their respective terms of office.

**43.60.070 Executive board is governing body.** All final actions and decisions of the council shall be taken under the approval and authority of the executive board, which shall be the governing body of the council.

**43.60.080 Bylaws—Scope.** The executive board shall adopt bylaws providing for carrying out the purposes of the council including:

(1) The holding of meetings of said board and the procedures involved in relation to its functions;

(2) The holding of meetings of the advisory committee, and the procedures involved in relation to its functions;

(3) Administration of the business and financial responsibilities relating to the work of the council;

(4) Organization and control of divisions and committees needed in conducting the state-wide program of safety activities.

**43.60.090 Advisory committee—Composition.** The advisory committee shall be composed of the citizen members of the executive board, and sixty or more additional members, to be appointed by the governor, who are broadly representative of all sections of the state and such interests as business and industry, organized labor, the press, radio stations, advertising interests, service clubs, veterans' organizations, women's organizations, religious organizations, local official agencies, and such other groups as are concerned with prevention of accidents.

**43.60.100 Advisory committee—Appointment of members—Terms—Officers.** Within thirty days after June 6, 1951, the governor shall appoint the aforesaid sixty or more additional members of the advisory committee, one-third of them to serve for terms of two years, one-third for terms of four years, and one-third for terms of six years, said terms to begin on January 1, 1951. In each second year thereafter the governor shall appoint the number of members required to fill the places vacated through expiration of terms of office, such appointees to serve for terms of six years.

The chairman and the vice chairman of the executive board shall also serve as chairman and vice chairman respectively of the advisory committee.

**43.60.110 Advisory committee—Functions.** It shall be the function of the advisory committee to bring to bear upon proposals for solutions of the accident problem the mature judgment and recommendations of leaders representing all primary segments of public opinion and groups located in all parts of the state which are interested in preventing accidents; to assist the executive board in formulating plans and conducting safety programs which will be likely to secure public acceptance; to help support the public authorities in the administration and enforcement of laws and regulations properly designed for the protection of the people against accidents and for the convenience of street and highway traffic movements; and to utilize the influence of its respective member groups and activate the facilities within their control to promote a state-wide, coordinated program of safety.

**43.60.120 Compensation of members of board, committee.** Citizen members of the executive board and members of the advisory committee shall receive no compensation for their services, but necessary expenses of the citizen members of the executive board for attendance at regular or called meetings of that board shall be paid from state funds available to the council.

**43.60.130 Coordinating committee—Composition.** The official coordinating committee shall be composed of the governor, the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the chairman of the utilities and transportation commission and the director of labor and industries, and such other state officials as the governor may designate. The governor shall serve as chairman of this committee.

**43.60.140 Coordinating committee — Functions — Meetings.** It shall be the function of the official coordinating committee to advise with and assist the executive board in formulating plans and policies essential for accomplishing the purposes of the council, to make sure that official activities of state departments which touch upon or overlap each other in relation to prevention of accidents are actively coordinated, to promote further practicable means whereby state departments individually and collectively may attack the accident problems more effectively, to make available where feasible the facilities of various departments in cooperation with the executive board and the other divisions or committees of the council to help strengthen the safety program.

Meetings of the official coordinating committee shall be held according to a schedule established by the committee itself, or upon call of the chairman.

**43.60.150 Managing director, director of public information—Appointment—Compensation.** The office of managing director of the council and the position of director of public information of the council are hereby created. Appointment of persons to these positions shall be made by the executive board; and within the limitations of the council's budget, the compensation to be paid such employees shall be fixed by said board.

**43.60.160 Managing director—Duties—Employment.** Under the direction of the executive board, the managing director shall be in general charge of administration of the council's affairs. He shall act as secretary of the executive board and as secretary of the advisory committee, and shall record the minutes of meetings of those bodies. He shall be in charge of the council's staff, and shall guide and help to activate all of the council's program of safety

activities, under the plans and policies approved by the executive board.

In recognition of the fact that administration of the work of the council requires an executive who possesses specialized training and exceptional qualifications, the executive board is hereby authorized to employ as managing director whatever person, available anywhere in the United States, may be best suited for the position.

**43.60.170 Control of employees—Provision of compensation.** Persons employed as managing director and as director of public information, and other regular, full time members of the council's staff, shall be under the direct control of the executive board and their compensation shall be provided out of such funds as are available for the work of the council.

**43.60.180 Cooperation of other departments.** Directors of the several departments of the state government shall cooperate with the council in carrying forward its program of safety activities, shall make available information needed by the council relating to the accident problems and methods employed or recommended for accident prevention; and at their discretion said directors may from time to time loan such personnel as may be spared from their regular duties for short periods, to assist in the safety program.

**43.60.190 Annual report.** On or before the fifteenth day of December in each year the executive board shall submit to the legislature and to the governor a report showing the status of the council's organization, its activities during the past year, and the accomplishments in the state toward reductions in accidents of all types, together with a plan for the council's proposed safety program during the ensuing year. This report shall be printed by the state printing office, and a minimum number of copies shall be made available for public information.

**43.60.200 Budget.** On or before the first day of December in each even-numbered year the executive board shall submit to the governor an itemized budget of its proposed expenditures during the ensuing biennium.

**43.60.210 Funds—Control—Disbursements.** All funds appropriated by the state for the support of the council shall be under the direct jurisdiction of the executive board, and all expenditures of said funds shall be covered by vouchers prepared in the council's headquarters, signed by the managing director, countersigned by the chairman or the vice chairman of said board, and submitted to the state treasurer for payment.

**43.60.220 Contributed funds.** Contributions may be received by the executive board from business firms, organized groups or individuals for financing special safety projects. Expenditures from any such contributed funds shall be under direct control of said board.

## Chapter 43.61

### VETERANS' REHABILITATION COUNCIL

**43.61.010 Council created—Composition—Compensation of members.** There is hereby created a "veterans' rehabilitation council" which shall consist of one member from each veterans' organization now or hereafter chartered by act of congress, and one other member, all appointed by the governor in the manner following.

The American Legion, Disabled American Veterans, United Spanish War Veterans, Veterans of Foreign Wars, and any veterans' organization hereafter chartered by act of congress and authorized to represent claims before the veterans' administration shall each submit to the governor a panel of three names selected by the commanders and approved by the executive committee or board of directors, respectively, of each nationally chartered veterans' organization. The governor shall appoint one member from each panel so submitted. Members shall serve for terms of three years expiring on the fifteenth day of January: *Provided*, That of the members first appointed two shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years. One additional member shall be appointed by and serve at the pleasure of the governor and shall not be a veteran.

The members shall receive no compensation but shall receive their actual necessary traveling and other expenses in going to, attending, and returning from meetings of the council: *Provided*, That the per diem expense of each board member shall not exceed fifteen dollars per day and the travel expense shall not exceed five cents per mile from his domicile to and from the place of the official meetings.

**43.61.020 Chairman—Director, salary — Offices — Quorum.** The council shall select one of its number as chairman. The council shall employ a director, who shall serve as executive officer of the council and who shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall employ such additional persons as may be necessary to carry out the provisions of this chapter. The council shall maintain an office at the state capital but shall have power to meet at such other places



as it may provide by resolution from time to time. A majority of the members shall constitute a quorum.

**43.61.030 Powers of council.** The council is hereby empowered to approve expenditures by veterans' organizations represented upon the council, and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective council member organizations. The council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary.

**43.61.040 Rules and regulations—Annual report.** The council shall make such rules and regulations as may be necessary to carry out the purposes of this chapter and administer the affairs of the council. It shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and welfare not provided by some other agency of the state or by the federal government. The council shall render to the governor before the fifteenth day of January each year, a complete report of its activities for the preceding year.

**43.61.050 Veterans' fund created.** There is created in the state treasury a fund to be known as the veterans' rehabilitation council account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the council and filed on proper forms.

**43.61.060 Donations may be accepted.** The council may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions.

**43.61.070 Payments to veterans' organizations.** Payments to any veterans' organization shall first be approved by the council and insofar as possible shall be made on an equitable basis for work done.

**Chapter 43.62****CENSUS BOARD**

**43.62.010 Board created — Composition — Expenses.** There is hereby created a state census board hereinafter referred to as the board, which shall consist of three members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof; one a member of the faculty of Washington State University, appointed by the president thereof, and one member appointed by the governor, all of whom serve at the pleasure of the appointing authority. If a member of said board declines to act, resigns, or is unable to act, his successor shall be named as in the original case. The board shall elect a chairman and shall purchase such equipment and supplies and shall employ such assistance and clerical help as is necessary in the performance of its duties. Each member of the board and any assistants or employees of the board when authorized to make expenditures in behalf of the board shall be reimbursed for necessary traveling and other expenses. In addition, the per diem for each member of the board shall be twenty-five dollars for attendance at board meetings, which shall not exceed three meetings per year. If the state or any of its political subdivisions, or other agencies, use the services of the board, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Per diem and expenditures herein authorized shall be approved by the chairman or the executive secretary of the board, and shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act.

**43.62.020 Method of allocating state funds to cities and towns prescribed.** Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a population basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the state census board: *Provided*, That the regular federal decennial census figures released for cities and towns shall be considered by the board in determining the population of cities and towns.

**43.62.030 Determination of population—Certificate—Allocation of state funds.** The board shall, as of April 1, 1957, and annually thereafter as of April 1st, determine the populations of all cities

and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate and of a certificate showing the determination of all population increases of cities and towns resulting from annexations that become effective prior to September 1st in any year shall be forwarded by the board to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the board: *Provided*, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the board shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: *Provided further*, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the board shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the board of the incorporation of each new city and town and of the disincorporation of any cities or towns.

**43.62.040 Assistance to board — Determination by board conclusive.** The tax commission or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive.

**43.62.050 Student enrollment forecasts — Reports to governor and legislative budget committee.** The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor and to the legislative budget committee on or before the fifteenth day of November of each even-numbered year.

**Chapter 43.74****BASIC SCIENCE LAW**

**43.74.005 Definitions.** Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of the department of licenses.

**43.74.010 Committee created—Members.** There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiroprody, or drugless therapeutics.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State University, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment.

**43.74.015 Committee organization, powers and duties—Compensation, expenses.** (1) The committee shall meet and organize as soon as practicable after appointment.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive ten dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers,

together with his necessary traveling expenses, to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with necessary traveling expenses for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director.

**43.74.020 Duties of committee—Examinations.** The committee shall conduct examinations in the basic sciences at least twice in each year at such times and places as the committee and director may determine: *Provided*, That bacteriology shall not be included as a subject in any examination conducted prior to July 1, 1956.

If the committee and director deem it more advantageous to the committee and the applicants for licenses, the committee may prepare and transmit to the director the examination questions agreed upon by the committee, and the director may conduct the examination, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the committee, which shall thereupon examine and grade the same, and transmit the grades to the director within ten days after the examination.

**43.74.025 Qualifications for examination and certificate.** (1) No person shall be eligible for examination for a basic science certificate until he has furnished satisfactory evidence to the director that:

(a) He is a person of good moral character; and,

(b) He is a graduate of an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, as determined by the director.

(2) No person shall receive a basic science certificate until he has passed the examination required by this chapter.

**43.74.030 Scope of examinations.** Examinations shall be written, and shall be of such a nature as to constitute an adequate test whether the person examined has knowledge of the elementary principles of the basic sciences as taught at the University of Washington or Washington State University, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six weeks at any college or university accredited by the University of Washington, or the equivalent thereof.

**43.74.035 Waiver of examination—Reciprocity—Fees.** (1) The director shall waive the examination in the basic sciences when satisfactory proof is submitted to him showing that:

(a) The applicant has passed an examination in the basic sciences before examiners in basic sciences in those states which have a basic science act.

(b) The requirements of that state at the time of such examination are at least equal in all respects to those required by this chapter for the issuance of a basic science certificate.

(c) Like exemption from examination in the basic sciences is granted by such state to persons granted certificates by the committee created by this chapter.

(d) The application for such certificate is accompanied by a fee of twenty-five dollars.

(2) The fee for endorsement of a certificate to another state shall be five dollars.

(3) In case an applicant comes from a state which does not examine in all the basic sciences required by this chapter, the director shall waive the examination in the basic sciences in which the other state does examine, if all other requirements at the time of the examination for issuing a basic science certificate in the other state are equal to those required by this chapter. In such a case the applicant shall be examined only in the basic sciences needed for him to fully meet the requirements of this chapter for the issuance of a basic science certificate.

**43.74.040 Application to practice.** Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten dollars, the applicant shall be entitled to take the examination.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate.

**43.74.050 Issuance of certificate for license.** If an applicant for examination passes with an average of not less than seventy-five percent, and a grade in each of said subjects of not less than seventy percent, the committee shall issue to the applicant a certificate

signed by its members giving the grades in each subject, which certificate shall be filed by the applicant with the state treasurer, together with his application for the particular license or certificate sought and the fee required by law to accompany such application.

**43.74.060 Further examination—Subjects may be limited.** In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director of licenses may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent.

**43.74.065 Revocation of certificate or license—Appeal—Penalty.** (1) The director may revoke any certificate granted under this chapter on mistake of material fact, or by reason of fraudulent misrepresentation of fact, or when the holder is convicted of a felony: *Provided, however,* That any party shall have the right of appeal to the superior court of Thurston county from the decision of the director.

(2) The director may revoke any license to practice any of the healing arts enumerated in RCW 43.74.010 if such licensee is found to be practicing without a basic science certificate. Any person who stays on in a hospital beyond the authorized training period of internship, residency and fellowship as then provided by the examining committee or board of his branch of the healing art, without having qualified in the basic sciences as required under this chapter, shall be guilty of practicing the healing art without a basic science certificate, and shall be subject to the penalties prescribed by this chapter or by law.

**43.74.075 Discrimination prohibited.** No person shall in any manner whatsoever discriminate against any applicant or any system or branch of the healing arts, or any member or student thereof, with relation to the subject matter of this chapter.

**43.74.080 When chapter does not apply.** This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter (1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927); nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, or drugless therapeutics; nor to the healing art personnel of the public health service

or the armed forces of the United States; who each practice within the limits of the privilege thus granted them.

**43.74.090 Penalty.** Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor.

**43.74.900 Short title.** This chapter shall be known as the basic science law.

### Chapter 43.76

#### STATE BUILDING FINANCING AUTHORITY

**43.76.010 Definitions.** The following terms whenever used or referred to in this chapter shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) "Authority" shall mean the body politic and corporate created by this chapter;

(2) "Project" shall mean any structure or facility of which the authority is authorized to finance the construction, improvement or maintenance under the provisions of this chapter;

(3) "Bonds" shall mean the revenue bonds which the authority is authorized to issue pursuant to this chapter;

(4) "Construction" shall mean and include acquisition and construction, and the term "construct" shall mean and include to acquire and to construct;

(5) "Improvement" shall mean and include extension, enlargement, and repair of a project as defined herein as well as the improvement thereof;

(6) "Cost of a project" shall include, but shall not be limited to, the cost of all real estate, properties, property rights, easements, the cost of construction of buildings and the furnishing and equipment thereof, all financing charges, interest prior to and during construction, engineering, architects' and legal expenses, including the cost of plans, specifications and surveys, estimates of costs and revenues, and such other expenses as are necessary or incident to the financing herein authorized.

**43.76.020 State building financing authority—Compensation—Expenses.** There is hereby created a body corporate and politic to be known as the state building financing authority consisting of three members as follows: The governor or his representative, the state treasurer, and director of general administration. Said members of the authority holding public office and compensated by the state of Washington shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all



necessary expenses incurred in connection with the performance of their duties as such members. A member of the authority not otherwise receiving compensation from the state of Washington shall receive in addition to reimbursement for his actual necessary expenses a per diem of twenty-five dollars per day for each day in which he performs duties for the authority, such per diem not to exceed four thousand dollars in any one calendar year.

**43.76.030 ————Exercise of power—Organization—Officers—Quorum—Powers and duties—Employees.** The powers of the authority shall be exercised by a governing body consisting of the members of the authority acting as a board. Within ninety days after April 4, 1955, the board shall meet and organize. The governor of the state of Washington or his representative shall be the chairman, and the treasurer of the state of Washington shall be treasurer of the authority. The director of general administration shall be the secretary of the authority.

Two members shall constitute a quorum of the board and all action shall only be taken by vote of a majority of the members of the authority, unless in any case the rules and regulations promulgated by the authority shall require a larger number. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it exercised. The board shall fix and determine the number of officers, agents and employees of the authority and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

**43.76.040 Purposes of authority.** The authority is created for the purpose of financing the construction, reconstruction, rehabilitation, enlargement, improvement, maintenance, furnishing, equipping and holding for lease or sublease the following:

(1) Buildings and facilities necessary or useful for institutions of higher learning of the state of Washington;

(2) Buildings and facilities necessary or useful for the various agencies and departments of the state of Washington: *Provided*, That the authority shall finance and enter into contracts of lease for projects for institutions of higher learning and agencies and departments of the state of Washington only when such projects are specifically authorized by the legislature and only insofar as it may do so within the limits of its financial ceiling under the terms of this chapter.

**43.76.050 Rights and powers.** The authority is hereby granted and may exercise all the powers necessary or convenient for the carrying out of the purposes of this chapter, including but without limiting the generality of the foregoing, the following rights and powers:

(1) To sue and be sued, implead and be impleaded, complain and defend, in all courts;

(2) To adopt, use and alter at will a seal;

(3) To acquire, purchase, hold, lease as lessee, and use any property real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable, for carrying out the purposes of this chapter, and to sell, lease as lessor, transfer and dispose of any property or any interest therein at any time acquired by it: *Provided, however,* That in any biennium initial contracts of lease shall be entered with institutions of higher learning and agencies and departments of government of the state for only such new buildings as have been specifically authorized by the legislature for that biennium;

(4) To acquire by purchase, lease or otherwise, projects as defined herein;

(5) To make such rules and regulations, not inconsistent with this chapter, as it deems necessary for its proper management and functioning and the carrying on of its affairs;

(6) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;

(7) To fix, alter, charge and collect rentals and other charges for its services and for the use of the projects, buildings, or facilities of the authority;

(8) To borrow money for the purpose of paying the cost of any project, or of paying warrants, bonds, and other evidences of indebtedness or obligations of the authority, and secure the payment of such bonds, or any part thereof, by pledge of any or all of its revenues, rentals and receipts;

(9) To make such agreements, not inconsistent with the laws of the state of Washington, with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the authority shall deem advisable, and to provide for the security of said bonds and the rights of the holders thereof: *Provided, however,* That at no time shall the authority issue and have outstanding more than fifty million dollars in bonds except that there may be temporarily more than fifty million dollars in its bonds outstanding if the amount in excess of fifty million dollars is to be used for the refunding of some or all of the bonds of the authority;

(10) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business and the performance of its duties;

(11) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with the United States government or any federal or state agency or instrumentality, and to accept grants from any other public or private corporation, association or person;

(12) To do all things proper or necessary to entitle and qualify the authority and the state to accept, borrow or otherwise obtain the use of funds of the federal government and any agency or instrumentality thereof which may be available for furthering the purposes of this chapter;

(13) To pledge or otherwise encumber all or any of the revenues or receipts of the authority as security for all, or any, of the obligations of the authority;

(14) To do all acts and things necessary or convenient to carry out the powers granted by this chapter or any other act.

**43.76.060 Credit or taxing power not to be pledged—Obligations are not general.** The authority shall have no power, at any time or in any manner, to pledge the credit or taxing power of the state of Washington, or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall any of its obligations or debts be deemed to be general obligations of the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, be liable for the payment of principal or interest on the bonds or other indebtedness of the authority.

**43.76.070 Charges—Purposes.** Charges levied by the authority shall be for the purpose of providing for the payment of the expenses of the authority, the financing of construction, improvement, equipping, furnishing and maintenance of projects, as above set forth, the payment of the principal of, and interest on, its bonds and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds.

**43.76.080 Contracts between state instrumentalities and authority to sell or lease—Purchase of authority's interest.** Any institution of higher learning of the state of Washington by and through its board of regents, and any agency or department of government of the state of Washington, by and through the appropriate division of the department of institutions, shall have power and authority to enter into contracts with the authority to sell or lease as lessor to the authority any land or building and lease as lessee from the

authority any land or building, and the furnishings and equipment thereof, leased, owned or otherwise possessed by the authority, for a term not exceeding thirty years, at such rental or rentals as may be determined by the authority. Such contract to lease may be entered into prior to any construction on any land leased, owned or otherwise possessed by the authority.

Any institution of higher learning, or agency or department of government of the state of Washington may, at any time that sufficient funds are available, negotiate with and purchase from the authority its interest in any structure, equipment, facility or other property owned or otherwise possessed by the authority.

**43.76.090 Disposition of funds obtained from lessees.** The treasurer of the state of Washington shall transfer to the fund of the authority the amount of rental payments or other charges due and owing to it by any of its lessees from any funds held in the treasury of the state of Washington for said lessee and not otherwise restricted in its use by statute or the Constitution of the state of Washington: *Provided, however,* That the authority shall furnish such evidence as the state treasurer shall require that the lessee has consented in its lease with lessor that any such funds may be so transferred by the state treasurer.

**43.76.100 Bonds—Form, term, etc.—Resolution authorizing issue, contents—Security—Negotiability.** (1) The bonds of the authority hereinabove referred to and authorized to be issued, shall be authorized by resolution of the authority and shall be of such series, bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding four percent per annum, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities in the revenues, rentals or receipts of the authority as such resolution or resolutions may provide. The bonds shall bear the facsimile signature of the chairman of the authority, together with a facsimile of the seal, and the manual signature of the secretary in attestation thereof, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the chairman and secretary of the authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that any of the aforesaid persons signing such bonds or whose facsimile signature shall be upon the bonds or coupons shall have ceased to hold their respective offices at the time when such bonds shall actually be delivered.

(2) Any resolution or resolutions authorizing any bonds shall contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the authority, but not of the state of Washington nor any institution of higher learning, agency, department or instrumentality of the state of Washington, nor any county or other political subdivision thereof, for such bonds or restricting the same to all or any of the revenues, rentals or receipts of the authority from all or any projects or properties;

(b) the financing of the construction, improvement, extension, enlargement, maintenance and repair, of any project or projects and the duties of the authority with reference thereto;

(c) the terms and provisions of the bonds;

(d) limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state of Washington may be applied;

(e) the rate of rentals and other charges for use of the projects, buildings or facilities of, or for the services rendered by, the authority including limitations upon the power of the authority to modify any leases or other agreements pursuant to which any rentals or other charges are payable;

(f) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(g) limitations on the issuance of additional bonds;

(h) the terms and provisions of any deed or trust or indenture securing the bonds, or under which the same may be issued, and

(i) any other additional agreements with the holders of the bonds.

(3) The authority may enter into any deeds of trust, indentures or other agreements with any bank or trust company, or other person or persons in the United States having power to enter into the same, including the state or federal government or any agency thereof, as security for such bonds, and may assign and pledge all or any of the revenues, rentals or receipts of the authority thereunder. Such deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments, or as the authority may authorize, including but without limitation, provisions as to (a) the financing of the construction, improvement, maintenance and repair of any project or projects, and the duties of the authority with reference thereto, (b) the application of funds and the safeguarding of funds on hand or on deposit, (c) the rights and remedies of said trustee and the holders of the bonds, which may include restrictions upon the individual right of action of such bondholders, and (d) the terms and provisions of the bonds, or the resolutions authorizing the issuance of the same.

(4) All bonds issued by the authority shall be negotiable instruments.

**43.76.110 Refunding bonds.** The authority is hereby authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds of the authority issued under the provisions of this chapter and then outstanding, either by voluntary exchange with the holders of such outstanding bonds at par or by providing funds to redeem and retire such outstanding bonds. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this chapter insofar as the same may be applicable. Bonds may be issued by the authority to refund bonds originally issued or to refund bonds of the authority previously issued for refunding purposes. Bonds may be sold in a single series both for refunding outstanding bonds and to provide funds for financing further construction by the authority.

**43.76.120 Bonds—Powers and duties of state finance committee—Sale.** Prior to issuing any bonds as provided for herein, the governing board of the authority shall confer with the state finance committee in order that the bonds issued shall be in such denominations, and sold in such manner and in such amounts and on such terms and conditions as the finance committee deems most desirable.

If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient and to otherwise be responsible for the details of such sale.

**43.76.130 Rights and remedies of bondholders.** (1) The rights and remedies herein granted to the bondholders, shall be in addition to, and not in limitation of, any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the authority shall default in the payment of, principal of, or interest on, any of the bonds after said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five percent in aggregate principal amount of the bonds then outstanding, acting in concert, by instrument or instruments filed in the office of the auditor of Thurston county, Washington, and proved or acknowledged in

the same manner as a deed to be recorded, except as such right may be limited under the provisions of any deed of trust, indenture or other agreement as aforesaid, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust, indenture or other agreement may, and upon written request of the holders of twenty-five percent, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, in principal amount of the bonds then outstanding, shall in his or its own name:

(a) By mandamus or other suit enforce all rights of the bondholders, including the right to require the authority to carry out any agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter;

(b) Bring suit upon the bonds;

(c) Require the authority to account as if it were the trustee of an express trust for the bondholders;

(d) Enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the authority declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five percent, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, of the principal amount of the bonds then outstanding, annul such declaration and its consequences;

(2) Any trustee, whether appointed as aforesaid or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may, to the same extent that the authority itself could do so, enter and take possession of the project, buildings or facilities of the authority or any parts thereof, the revenues, rentals, or receipts from which are, or may be applicable to, the payment of the bonds so in default, and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustees, the fees, counsel fees and expenses of the trustee, and of the receiver, if any, and all costs and disbursements allowed by the court, shall be a first charge on any revenues and receipts derived from the projects, buildings or facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or

incident to the general representation of the bondholders in the enforcement and protection of their rights.

(3) In addition to all other rights and all other remedies, any holder of bonds of the authority may by mandamus or other suit, action or proceeding enforce his rights against the authority, including the right to require the authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this chapter.

**43.76.140 Deposit, use, disbursement of funds—Sinking fund.** All moneys of the authority from whatever source derived shall be deposited with and held by the state treasurer as treasurer of the authority, and said moneys shall never be mingled with funds in the state treasury nor be deemed a part of the general fund of the state, but shall at all times be considered a special fund belonging to the authority. The moneys in said accounts shall be paid out pursuant to warrant or other order of the treasurer of the authority, or of such other person or persons as may be authorized by the authority to execute such warrants or orders. All moneys of the authority exclusive of that received from the sale of bonds from whatever source derived, except such part thereof as may be required to pay the administrative and other costs of operating the authority as may be provided for in the resolutions authorizing the issuance of the various series of bonds or in the various trust indentures, shall be set aside at such regular intervals as may be provided in such resolutions or trust indentures in a sinking fund, which fund shall be pledged to, and charged with, the payment of (1) the interest upon such bonds as it becomes due, (2) the principal of the bonds as same become due, (3) the necessary fiscal agency charges for paying principal and interest, (4) any premium upon bonds retired by call or purchase, as herein provided, and (5) any expenditures necessary or proper for issuance of additional series of revenue bonds, or necessary to the enforcement of the remedies of the bondholders as provided herein. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolutions authorizing the issuance of bonds or in the trust indentures, but except as may otherwise be provided in such resolutions or trust indentures, such sinking fund shall be a fund for the benefit of all bonds issued hereunder, without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indentures, any moneys in such sinking fund in excess of an amount equal to the average annual requirements for interest and retirement on all bonds outstanding may be applied; (a) to the purchase or redemption of bonds; and/or (b) toward the payment of the cost of one or more projects as defined in RCW 43.76.010(6).



**43.76.150 Bonds are legal investment and security.** The bonds herein authorized shall be a legal investment for all state funds not otherwise restricted by the Constitution of the state of Washington or for funds under state control not otherwise restricted, and for all funds of municipal corporations and shall be legal security for all state, county and municipal deposits and shall constitute legal investments for all banks, savings and loan associations and insurance companies doing business in this state.

**43.76.160 Legislature may provide additional means for payment of bonds.** The legislature may by direct appropriation or by allocating other sources of revenue, provide additional means for the payment of the bonds authorized herein, or for the payment of the cost of a project or projects as defined in RCW 43.76.010(6), and this chapter shall not be deemed the exclusive method for such payment, but this section shall be permissive only and not mandatory, and the power granted herein shall not constitute a pledge of the faith and credit of the state nor of any of its institutions of higher learning, agencies, departments or instrumentalities.

**43.76.170 Projects and business of authority subject to its rules.** The use of the projects of the authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the authority and not inconsistent with the laws of the state of Washington.

**43.76.180 Pledges of state to bondholders and federal government.** The state of Washington does hereby pledge to, and agree with, any person, firm or corporation or federal agency subscribing to, or acquiring, the bonds to be issued by the authority for the financing of the construction, extension, improvement, or enlargement of any project, or part thereof, or for refunding purposes, that the state of Washington will not limit or restrict any provisions for the security and protection of the authority and its bondholders contained in this chapter until all bonds at any time issued, together with the interest thereon are fully paid and discharged. The state of Washington does further pledge to and agree with the United States and any federal agency that, in the event that any federal agency shall construct or contribute any funds for the financing of construction, extension, improvement or enlargement of any project or any portion thereof, the state of Washington will not restrict or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority shall continue to have and may exercise

all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this chapter and the purposes of the United States in financing the construction, improvement or enlargement of any project or portion thereof.

**43.76.190 Accounting of records and accounts—Post audit.** The state building authority records and accounts shall be kept in accordance with the uniform system of accounting prescribed by the state auditor and shall be subject to post audit by the state auditor at least once each year.

**43.76.500 Certain projects authorized.** The state building financing authority is authorized to finance and contract for the construction of the following projects in accordance with the provisions of this chapter:

|  |                |
|--|----------------|
| At the University of Washington:   |                |
| Medical Teaching Hospital.....   | \$2,500,000.00 |
| Museum .....   | 400,000.00     |
| At the State College of Washington:  |                |
| Plant Sciences Building.....   | 2,914,500.00   |
| Veterinarian Clinic .....  | 1,145,000.00   |
| Poultry Building .....   | 297,100.00     |
| Dairy Building .....   | 275,000.00     |
| At the Central Washington College of Education:  |                |
| Physical Education Building.....   | 1,020,000.00   |
| <i>Provided</i> , That none of this appropriation shall be expended for permanent spectator seating:                                       |                |
| <i>Provided further</i> , That the foregoing shall not be construed as prohibiting the acceptance of gifts or donations for such purposes. |                |
| At the Eastern Washington College of Education:  |                |
| Elementary Laboratory School.....  | 280,000.00     |
| Alteration of present laboratory school into science classrooms and laboratories .....   | 200,000.00     |
| Classroom facilities for R.O.T.C. ....   | 80,000.00      |
| At the Western Washington College of Education:  |                |
| Science Building .....   | 1,078,000.00   |
| At the State School for the Deaf:  |                |
| New Vocational Building.....   | 300,000.00     |
| At Eastern State Hospital:   |                |
| Occupational Therapy and Security Building.....  | 150,000.00     |
| At the State School for Girls:   |                |
| Two cottages .....   | 170,000.00     |
| Security Cottage .....   | 50,000.00      |
| At the Northern State Hospital:  |                |
| Supplementary Commissary .....   | 65,000.00      |

|  |            |
|--|------------|
| Gymnasium, Recreation and Women's Occupational Therapy ..... | 190,000.00 |
| At the Washington State Penitentiary:                        |            |
| Maximum Security and Reception Cell Block.....               | 805,500.00 |
| At the Western State Hospital:                               |            |
| Children's Unit .....  | 500,000.00 |

The cost of each of the aforesaid projects, as defined in RCW 43.76.010(6) shall not exceed the amounts set forth above.

**43.76.510 Authority to select sites for institutions—Mentally deficient persons—Rehabilitation of persons between sixteen and twenty-three.** The state building financing authority, giving full consideration to existing available or unoccupied public facilities and to possible donations of property, may select two sites, which will best serve the interests of the state for the purposes herein enumerated:

(1) A site to be used for the eventual construction thereon of a new institution for the care, custody and training of mentally deficient persons;

(2) A site to be used for the eventual construction thereon of a correctional institution of an intermediate type for the custody and rehabilitation of such persons between the ages of sixteen and twenty-three as are committed thereto by court order, or transferred thereto by the executive officer of the department of public institutions by authority of statute.

**43.76.520 ————Cost of sites limited.** The cost of acquisition of each of the sites provided for in RCW 43.76.510 shall not exceed fifty thousand dollars.

**43.76.900 Short title.** This act (1955 1st ex.s. c 12) shall be known and may be cited as the "state building financing authority act."

**43.76.910 Chapter additional method—Construction.** This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized herein and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This chapter being necessary for the welfare of the state of Washington and its inhabitants shall be liberally construed to effect the purposes thereof. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds, or otherwise participate in programs of the federal government or any of its agencies or instrumentalities furthering the purposes of this chapter.

**43.76.920 Appropriation—Repayment to general fund.** The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the authority for the payment of costs and expenses incurred in commencing the work herein authorized. Any part of this appropriation used by the authority shall be repaid to the general fund of the state at such time as sufficient revenue bonds of the authority have been sold and the funds deposited with the treasurer of the authority.

**43.76.930 Severability.** If any part of this act (1955 1st ex.s. c 12) shall be held unconstitutional, such invalidity shall not affect any other part. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act (1955 1st ex.s. c 12) is declared invalid been eliminated from the act (1955 1st ex.s. c 12) at the time the same was considered the act (1955 1st ex.s. c 12) would have nevertheless been enacted with such portions eliminated.

## Chapter 43.77

### PRINTING AND DUPLICATING COMMITTEE

**43.77.010 Composition of committee.** The state printer, the director of budget, and the director of general administration shall constitute the state printing and duplicating committee.

**43.77.020 Powers and duties.** The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing or duplicating equipment, other than typewriters, direct copy or mimeograph machines, by any official or agency of the state.

**43.77.030 Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions.** Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing or duplicating equipment, other than typewriters, direct copy or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire.

**43.77.040 Meetings.** The state printing and duplicating committee shall meet within one month after the effective date of this chapter (June 10, 1959) and make provision for carrying out the purposes of this chapter. The committee shall thereafter meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it.

**43.77.050 Legislative, judicial branches of government excepted.** Nothing in this chapter shall apply to officials or agencies of the legislative or judicial branch of the state government.

### Chapter 43.78

#### PUBLIC PRINTER—PUBLIC PRINTING

**43.78.010 Appointment of public printer.** There shall be a public printer appointed by the governor, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified.

**43.78.020 Bond.** Before entering upon the duties of his office, the public printer shall execute to the state a bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office.

**43.78.030 Duties—Exceptions.** The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, That this section shall not apply to the printing of the supreme court reports: *Provided further*, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: *And provided further*, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of institutions not at Olympia, or the supreme court or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

**43.78.040 Requisitions.** All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition.

**43.78.050 Itemized statement of charges.** Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges.

**43.78.070 Use of state plant—Conditions—Public printer's salary.** The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer.

**43.78.080 Printing specifications.** All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for

supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

**First class.** The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

**Second class.** The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25x38 inches, and set in bavier, or what is known as eight point type, with a six to pica lead between each line, and without unnecessary blanks, broken pages, or paragraphs. All communications, resolutions, reports of committees, messages, and similar documents making up a part of said journals shall be set in nonpareil or what is known as six point type, with a six to pica lead between each line. All tabular matters shall be set in nonpareil or what is known as six point type; the type matter for a page to be 4½x7½ inches, which is to include all running heads and footnotes. All reports shall be 6x9 inches when trimmed. The general style of all reports shall be the same as those printed in 1918, and the general style of the journals of the house and senate of the session of 1917 shall be followed in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permission of the governor.

**Third class.** The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

**Fourth class.** The fourth class shall consist of the session laws, and shall be printed and bound in the same style, size of page and form as the session laws published by this state heretofore, with similar margin notes; the size of type to be eleven point for the laws or body of the book and six point for the marginal notes

and index, and shall be printed on machine finish book paper weighing not less than 60 pounds to the ream of 25x38 inches: *Provided*, That laws reenacting titles to the Revised Code of Washington which have been introduced in the legislature at the request of the statute law committee shall be printed in the session laws in the same size, form and style of type that is used in the Revised Code of Washington.

**Fifth class.** The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three and four.

**43.78.090 Reprinting.** Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

**43.78.100 Stock to be furnished.** The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling.

**43.78.110 Printer may farm out printing.** Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, he may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies.

**43.78.130 Public printing for municipal corporations must be done in state—Exceptions.** All printing, binding, and stationery work done for any county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: *Provided*, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to



private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state.

**43.78.140 ————Allowance of claims.** No bill or claim for any such work shall be allowed by any officer of a public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive.

**43.78.150 ————Contracts for out-of-state work.** All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof.

**43.78.160 ————Quality and workmanship requirements.** Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any public official to accept any such work of inferior quality or workmanship.

### Chapter 43.79

### STATE FUNDS

**43.79.010 General fund, how constituted.** All moneys paid into the state treasury, except moneys received from taxes levied for specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state.

**43.79.020 License fees to general fund.** Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants

for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund.

**43.79.060 University permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of lands granted, held, or devoted to state university purposes.

**43.79.071 University of Washington fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund.

**43.79.072 ———Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund.

**43.79.073 ———Abolished.** From and after the first day of May, 1955, the University of Washington fund is abolished.

**43.79.074 ———Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**43.79.075 ———Other revenue for support of university.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington.

**43.79.080 University building fund.** There shall be in the state treasury a fund known and designated as the "University of Washington building account" in the general fund.

**43.79.090 Rentals to building fund—Use of fund.** All rentals received on account of that certain lease of the former university site in the city of Seattle, known as the "old university grounds," made and entered into on the first day of February, 1907, by and between the state of Washington, lessor, and James A. Moore, lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation, shall be paid into and credited to the University of Washington building account in the general fund, to be

used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the state university.

**43.79.100 Scientific school grant to Washington State University.** The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of Washington State University.

**43.79.110 Scientific permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school.

**43.79.120 Agricultural college grant to Washington State University.** The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University.

**43.79.130 Agricultural permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college.

**43.79.140 Washington State University—Moneys paid into general fund for support of.** There shall be paid into the state general fund for the support of Washington State University the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the agricultural college and school of science;

(2)—All interest or income arising from the proceeds of the sale of any of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

**43.79.150 Normal school grant to colleges of education.** The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the state colleges of education.

**43.79.160 Normal school permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all

moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools.

**43.79.180 State colleges of education—Moneys paid into general fund for support of.** There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)—All interest or income arising from the proceeds of the sale of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

**43.79.201 C.E.P. & R.I. fund—Moneys transferred to charitable, educational, penal and reformatory institutions account in general fund.** All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, in which fund shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions.

**43.79.202 ————Abolished—Appropriations to be paid from and warrants drawn on account in general fund.** On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund.

**43.79.210 Federal cooperative extension fund.** There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural extension fund.

**43.79.250 Contingent receipts fund.** There shall be a fund in the state treasury known as the contingent receipts fund in which shall

be deposited all money received from the federal government or other sources, which has not been appropriated or allocated by the legislature, under conditions requiring expenditure for specific purposes before convening of the next session of the legislature.

**43.79.260 Governor designated state's agent.** The governor is designated the agent of the state to accept and receive all such funds and to deposit them in the state treasury to the credit of the contingent receipts fund and the same shall be expended therefrom by his written authorization.

**43.79.270 Duty of department heads.** Whenever any money, from the federal government, or from other sources, has actually been received and designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure may properly be made shall submit to the governor duplicate copies of a statement setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: *Provided*, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received.

**43.79.280 Duty of governor on approval.** If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved, and transmit one copy to the head of the department, agency, board or commission authorizing him to make the expenditure.

**43.79.300 Central College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund.

**43.79.301 ———Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be paid out of moneys in the general fund.

**43.79.302 ———Abolished.** From and after the first day of May, 1955, the Central College fund is abolished.

**43.79.303 ———Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid

from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**43.79.304** ————**Other revenue for support of Central Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington State College.

**43.79.310 Eastern College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund.

**43.79.311** ————**Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund.

**43.79.312** ————**Abolished.** From and after the first day of May, 1955, the Eastern College fund is abolished.

**43.79.313** ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**43.79.314** ————**Other revenue for support of Eastern Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington State College.

**43.79.320 Western College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund.

**43.79.321** ————**Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made

by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund.

**43.79.322** ————**Abolished.** From and after the first day of May, 1955, the Western College fund is abolished.

**43.79.323** ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Western College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**43.79.324** ————**Other revenue for support of Western Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington State College.

**43.79.330** **Miscellaneous state funds—Moneys transferred to general fund.** All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Commercial feed fund moneys, to the commercial feed account;

(4) Commission merchants fund moneys, to the commission merchants account;

(5) Electrical licenses fund moneys, to the electrical licenses account;

(6) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;

(8) Forest development fund moneys, to the forest development account;

(9) Harbor improvement fund moneys, to the harbor improvement account;

(10) Institutional building construction fund moneys, to the institutional building construction account;

(11) Investment reserve fund moneys, to the investment reserve account;

- (12) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
- (13) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (14) Nursery inspection fund moneys, to the nursery inspection account;
- (15) State parks and parkways fund moneys, to the state parks and parkways account;
- (16) Public school building construction fund moneys, to the public school building construction account;
- (17) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- (18) Real estate commission fund moneys, to the real estate commission account;
- (19) Reclamation revolving fund moneys, to the reclamation revolving account;
- (20) Seed fund moneys, to the seed account;
- (21) United States vocational education fund moneys, to the United States vocational education account;
- (22) University of Washington building fund moneys, to the University of Washington building account;
- (23) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;
- (24) State College of Washington building fund moneys, to the Washington State University building account;
- (25) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and
- (26) School emergency construction fund moneys, to the public school building construction account.

**43.79.331** ————**Abolished.** From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished.

**43.79.332** ————**Appropriations of 34th legislature to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330.

**43.79.333** ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on any fund abolished by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account



to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred.

**43.79.334 ————Expenditures—Revenue from other than general fund.** Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof.

**43.79.335 ————State College of Washington building account —Name changed to Washington State University building account.** Upon and after June 30, 1961 the account within the general fund in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law.

**43.79.340 General obligation bond retirement fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund.

**43.79.341 ————Appropriations of 34th legislature to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund.

**43.79.342 ————Abolished.** From and after the first day of May, 1955, the general obligation bond retirement fund is abolished.

**43.79.343 ————Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**43.79.350 Suspense fund.** There is established in the state treasury a special fund to be known as the suspense fund. All moneys which heretofore have been deposited with the state treasurer

in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense fund in the state treasury.

**43.79.360** ————**Transfer of moneys and records.** All moneys in the state treasurer's suspense fund and suspense account are hereby transferred to the suspense fund in the state treasury. All necessary records in the state treasurer's office relating to the state treasurer's suspense fund and suspense account are hereby transferred to the state auditor.

**43.79.370** ————**Disbursements — Vouchers — Warrants.** Disbursement from the suspense fund (not to exceed receipts), shall be by warrant issued against the fund by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the fund.

**43.79.381** **Penitentiary revolving account abolished.** From and after the first day of August, 1957, the penitentiary revolving account is abolished.

**43.79.390** **United States vocational education account—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund.

**43.79.391** ————**Appropriations to be paid from general fund.** From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund.

**43.79.392** ————**Abolished.** From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished.

**43.79.393** ————**Warrants to be paid from general fund.** From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

**Chapter 43.80****FISCAL AGENCY**

**43.80.010 Agency created.** There shall be in the city of New York a fiscal agency of the state of Washington, and of the counties, townships, school districts, cities, and towns therein, for the payment through such agency of all such bonds and coupons issued by this state, or by any county, township, school district, city, or town therein, as shall by their terms be made payable in the city of New York. Such agency shall be known as the fiscal agency of the state of Washington in the city of New York.

**43.80.020 Designation by governor.** The governor shall designate some well known and responsible bank or trust company in the city of New York having a paid-up capital amounting, with its surplus, to not less than one million dollars, to act as such fiscal agency.

He shall make duplicate certificates of such designation, cause them to be attested under the seal of the state, and file one in the office of the secretary of state and transmit the other to the bank or trust company designated.

The bank or trust company so designated shall be a fiscal agency established by this chapter, and shall continue to be such fiscal agency for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of another bank or trust company as such fiscal agency.

No bank or trust company that buys or sells municipal bonds as a dealer shall be eligible to appointment as fiscal agent.

**43.80.030 Duty of agency — Cremating procedure.** The fiscal agency, on the receipt of any moneys transmitted to it by or for this state, or for any county, township, school district, city, or town therein, for the purpose of paying therewith any of its bonds or coupons by their terms made payable in the city of New York, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the agency in the city of New York at or after the maturity thereof, in the order of their presentation, insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state, or the county, township, school district, city, or town which issued them: *Provided*, That nothing herein shall prevent the state or any of the aforementioned political subdivisions thereof from designating its fiscal agency in the city of New York, also

as its cremating agency, and to provide by agreement therewith, that after any general or revenue obligation bonds or interest coupons have been canceled or paid, they may be destroyed as directed by the proper officers of the state or other political subdivisions hereinbefore mentioned: *Provided further*, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state, county, township, school district, city, or town as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the cremating agency in the city of New York for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards, or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: *Provided*, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the cremating agency herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled.

**43.80.040 Agency not to be compensated—Compensation for additional duties.** The fiscal agency established by this chapter shall receive no compensation for the performance of the duties as fiscal agency so prescribed: *Provided however*, That such fiscal agency may receive compensation for the additional duties performed, as set forth in RCW 43.80.030, as amended, in such amounts as may be agreed upon between said fiscal agency and the state or any of its political subdivisions that may be involved.

**43.80.050 Bonds payable at fiscal agency.** No bonds issued by this state, or by any county, township, school district, city, or town therein, shall be by their terms made payable in the city of New York at a specific place other than the office of the fiscal agency.

**43.80.060 Duty of treasurers.** It shall be the duty of the state treasurer, and the duty of the treasurer or other proper officer of every county, township, school district, city or town in this state, to transmit to the fiscal agency hereby established, not less than

twelve days before the maturity of any bonds or coupons that shall hereafter be issued by the state, or by any county, township, school district, city or town therein, and that shall be by their terms made payable in the city of New York, sufficient moneys out of any funds in the hands of any such treasurer or other officer applicable to such purpose for the payment of such bonds and coupons.

### Chapter 43.82

## STATE AGENCY HOUSING

**43.82.010 Acquisition of real estate, leases, construction of buildings, etc.—Delegation of director's functions—Charges—Studies—Approval of attorney general.** The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions and other state agencies: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the colleges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general.

**43.82.020 Approval by capitol committee when real estate located in Thurston county.** The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

**43.82.030 Acquisition of property and rights declared public use—Eminent domain.** The acquisition of any real property or any rights or interest therein for the purpose of this chapter is hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04.

**43.82.040 Revenue bonds, coupons—Authorized, issuance, payment, etc.—Negotiability.** To provide funds for the acquisition of real estate, the improvement of existing facilities thereon, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this chapter during the estimated period of such improvement or construction and for six months after completion of such improvement or construction, if required, there shall be issued and sold revenue bonds of the state of Washington as determined to be necessary by the director of the department of general administration, but not in excess of the amounts appropriated or reappropriated for expenditures under the terms of this chapter.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this chapter.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reserved rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations as the committee may prescribe. All such bonds shall be fully negotiable.

**43.82.050 ————Signatures and seal.** The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. A lithographed facsimile reproduction of the seal of the state may be imprinted on the bonds in lieu of manually affixing an impression of the original seal.

**43.82.060 ————Sale—Bonds are legal investment and security.** The bonds may be sold in such manner and amounts, at such

times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That, if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it shall deem sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

**43.82.070** ————**Registration.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe.

**43.82.080** ————**Payable solely from revenues and not state obligation.** Bonds issued under provisions of this chapter shall distinctly state that they are not a general obligation of the state of Washington, but are payable solely out of revenues in the manner provided in this chapter.

**43.82.090** **General administration construction fund—Designation of bonds as to project—Investment of bond proceeds, interest.** There is hereby created within the state treasury a special fund to be known as the “general administration construction fund” in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this chapter, provided, that from the moneys arising from the sale of such bonds there may be deposited in the general administration bond redemption fund an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction. All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United State government: *Provided*, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved.

**43.82.110 General administration bond redemption fund—Lease of space—Surplus space—Pledge of rentals.** All office or other space made available through the provisions of this chapter shall be leased by the director to such state agencies, for such rental, and on such terms and conditions as he deems advisable: *Provided, however,* If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.

**43.82.120 General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits.** There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund." All unpledged rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the general administration management fund, the creation of which is hereby authorized. In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.



**43.82.125 Authorized uses for general administration management fund—Surplus to general fund.** The general administration management fund shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration management fund shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: *Provided*, That moneys received into the fund for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund: *Provided further*, That the director may expend not to exceed fifty thousand dollars per biennium from the general administration management fund to cover unusual or unexpected expenses connected with space occupancy or management that cannot be charged directly to any specific state agency. In the event the director determines that there is a surplus in this fund, he shall transfer such surplus to the general fund.

**43.82.130 Powers and duties of director.** The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter.

**43.82.140 Insurance on buildings.** The director may, in his discretion, obtain fire or other hazard insurance on any building under his management.

### Chapter 43.83

#### CAPITAL IMPROVEMENTS 1959-1961 BOND ISSUE

**43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.** For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds

herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

**43.83.020 ————Proceeds to be deposited in state building construction account—Use.** The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1959, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

**43.83.030 ————Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.** Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the

bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid.

**43.83.040** ————**Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

**43.83.050** ————**Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

### 1961-1963 BOND ISSUE

**43.83.060 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.** For the purpose of furnishing funds to finance projects in the 1961-1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in

such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: *Provided*, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

**43.83.062 ———Proceeds to be deposited in state building construction account—Use.** The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

**43.83.064 ———Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.** Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segre-

gated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid.

**43.83.066** ————**Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

**43.83.068** ————**Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

## Chapter 43.84

### INVESTMENTS AND INTERFUND LOANS

**43.84.010 Investment of permanent funds.** Whenever there are in the permanent common school fund or in the permanent funds of the state university, scientific school, agricultural college, colleges of education, or the charitable, educational, penal, and reformatory institutions, one thousand dollars or more available for investment, the state finance committee shall invest the same in national, state, county, municipal, or school district bonds; purchasing them either directly or in the open market. The bonds may bear such interest rates as the state finance committee may determine.

In the purchase of such bonds the committee may pay such premium as it may determine: *Provided*, That where bonds are purchased at a premium the state treasurer shall amortize the premium from the interest collected by methods of accounting

commonly used by banks and insurance companies to the end that the principal trust funds so invested may not be impaired.

The state finance committee may sell any bond or bonds and reinvest the proceeds as provided in this section.

The word "bonds" does not mean or include any special, or assessment district bonds, or bonds other than those found to be within the limit of indebtedness prescribed by law, and authorized and issued as general obligation bonds.

School district bonds, duly authorized and issued, shall be given preference in such investments.

When an investment is made, the state treasurer shall draw his warrant on the proper fund for the amount invested, and the bonds purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon.

The state finance committee shall sell no bonds under its control except upon a unanimous vote of its membership at a meeting at which all members are present.

#### **43.84.020 Investment of permanent school fund in state bonds.**

Whenever there are in the hands of the state treasurer, five thousand dollars or more, belonging to the permanent common school fund, of which no investment can be made in the securities authorized by law, and the state has an outstanding general fund warrant indebtedness of five thousand dollars or more, the governor and the state auditor shall issue bonds of the state to that amount, and sell and deliver such bonds to the state treasurer for the account of the permanent common school fund at the par value thereof.

**43.84.030 Description of bonds—Payment.** Such bonds shall bear the date of issue; be issued in denominations of five thousand dollars; and bear interest at the rate of three and one-half percent per annum, payable semiannually out of the general fund, on the first days of May and November of each year until paid. The principal of the bonds shall be payable, on or before twenty years from the date of issue, to the state treasurer for the account of the permanent common school fund, out of the general fund to which the proceeds were credited, and when paid the principal thereof shall be credited to the permanent common school fund.

The state treasurer shall transfer from the general fund to the current state school fund sufficient money to pay the interest as it falls due, and certify his action to the budget director, which certificate shall be authority for the budget director to make the necessary and proper entries in the books and records of his office to show such transfer.

**43.84.040 Printing of bonds—Signatures.** The bonds shall be printed on good bond paper and shall each be signed by the governor and attested by the state auditor, and sealed with the seal of the state auditor, but no coupon need be attached thereto.

**43.84.050 Redemption of general fund warrants.** Whenever any such bonds are executed and presented to the state treasurer, he shall invest the permanent common school fund therein to the amount of the par value thereof at par, and receipt to the state auditor therefor, and at once transfer from the permanent common school fund to the general fund money to the amount of the bonds and the money so transferred shall be used at once in the redemption of outstanding general fund warrants.

**43.84.060 Interest to current school fund.** All interest paid on such bonds shall be credited to the state current school fund on the day it falls due.

**43.84.070 Redemption of bonds.** The state treasurer shall redeem any of such bonds on any interest date whenever, and to the extent that, he has in his hands money belonging to the general fund equal to one or more of such bonds in excess of all outstanding general fund warrants.

**43.84.080 Investment of current state funds.** Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest such portion of such funds or balances as it deems expedient in certificates, notes, or bonds of the United States, or in state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable. The committee may, in addition, invest such excess funds in motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction.

**43.84.090 Reserve to be set aside.** Twenty percent of all income received from such investments shall be set aside in a reserve fund. This fund shall be maintained until it reaches five percent of the principal invested.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury.

**43.84.095 Exemption from reserve fund—Motor vehicle fund income from U.S. Securities.** Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in RCW 43.84.090.

**43.84.100 Interfund loans.** Whenever there is in any fund in the state treasury insufficient moneys to meet the current expenditures properly payable therefrom and there are in any other funds moneys in excess of the amount required to meet the current expenditures therefrom, the state treasurer, with the consent of the state finance committee, may make temporary loans from the funds having excess moneys to those having insufficient moneys of such sums as may be necessary to meet the demands thereon: *Provided*, That this shall not authorize the loan of any moneys from the permanent common school fund, or from any of the permanent irreducible funds, of the state.

**43.84.110 Interest on loans.** When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depository interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.

The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depository interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan. He shall forthwith



notify the state auditor in writing of any such transfer of deposit interest.

**43.84.120 Investment in state warrants.** Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state finance committee may invest such portion of such funds or balances over and above that belonging to the permanent school fund in warrants of the state of Washington. The state finance committee may purchase such state warrants at such prices and upon such terms as it may determine, and may sell them at such times and on such terms as it deems advisable.

Upon such investment being made, the state treasurer shall pay into the general fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds.

**43.84.130 Separate accounting as to permanent school fund.** For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school fund.

**43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.** In addition to the provisions of RCW 43.84.010, the state finance committee is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28.76.180 and to invest moneys in the State University Permanent Fund in regents' revenue bonds issued by the board of regents of the University of Washington for the purposes provided in RCW 28.76.180.

## Chapter 43.85

### STATE DEPOSITARIES

**43.85.010 Designation of depositaries.** Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the state finance committee, may, upon depositing security as hereinafter provided, and upon compliance with all other requirements of law, become a state depository.

No state funds shall be deposited in any institution other than a state depository.

The record of the proceedings of the committee shall be kept in the office of the committee and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state.

**43.85.020 Bank includes trust company.** The word "bank" includes any trust company organized under the laws of the state, engaged in the banking business.

**43.85.030 Collateral—Surety bond.** Every state depository, before it shall be entitled to receive any state moneys, shall deposit with the state treasurer securities hereinafter enumerated as collateral and pledge for payment on demand or at a specified future date, to him or his order, free of exchange, at any place designated by him, of all such moneys deposited with it and of interest thereon at the rate fixed by the state finance committee, if there has been no default in the payment of principal or interest thereon:

(1) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds of the state or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54.

The state finance committee in lieu of collateral, may accept from any depository a good and sufficient bond of a surety company authorized to do business in the state, to be approved by the committee as security and pledge for the payment on demand or at a specified future date to the state treasurer or his order, free of exchange, at any place in this state designated by the treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by the state finance committee, which bond shall be at least equal to the amount of the moneys to be received by the depository.

The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems neces-

sary require such investigation and report concerning the condition of any bank which has been designated as such depository, the expense of the investigation to be borne by the depository examined.

**43.85.040 Approval by finance committee—Revocation.** The state finance committee shall not approve the bonds and warrants, or in lieu thereof the bond of a surety company of any such depository, until fully satisfied that such bonds and warrants are good and sufficient, and that the depository is prosperous and financially sound and has unimpaired the paid-up capital and surplus claimed by it.

The committee may at any time require any state depository to furnish a new or additional bond or bonds, and upon its failure so to do may after fifteen days' notice to the depository revoke the designation and approval thereof, and immediately upon such revocation, the bank shall cease to be a state depository.

**43.85.050 Rate of interest.** The state finance committee shall from time to time fix the rate of interest to be paid by depositaries upon moneys deposited with them, and cause notice thereof to be published in such newspapers as it may direct. The rate of interest, until changed by the committee shall be not less than two percent per annum.

**43.85.060 Monthly and quarterly statements.** Every state depository shall, on the first day of each calendar month, and oftener when required, file with the state auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July, and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, to the state finance committee which interest shall thereupon be remitted to the state treasurer and placed to the credit of the deposit interest fund.

The statement shall be upon such forms as may be prescribed by the state finance committee and accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither the depository nor any officer, agent, or employee thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered or promised to give, pay, or render to any member of the committee, or to any other person or corporation whatever any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys.

Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

The total interest paid by all depositaries shall be placed by the state treasurer to the credit of the deposit interest fund, and upon the fifteenth day of January of each year, the state treasurer shall divide the deposit interest fund among the various funds from which such deposits are made, in proportion to the respective amounts thereof.

**43.85.070 Deposits deemed in state treasury—Deposit limit.** The state treasurer may deposit with any depositary which has fully complied with all requirements of law any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depositary without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depositary shall not exceed ninety percent of the value of the securities deposited by it: *Provided*, That in the event repayment of deposits in a depositary is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, and authorized to insure the repayment of bank deposits, such depositary shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

**43.85.080 Safekeeping of collateral.** A state depositary qualified to receive state moneys on deposit, having bonds or securities pledged or to be pledged by it with the state treasurer as collateral for the payment on demand of all such moneys deposited with it, may, by written notice, request the state treasurer to designate a trust company or bank exercising trust powers and located within the state as a trustee for the safekeeping of such bonds and securities, or it may, by written notice request the state treasurer, to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of this enactment for the safekeeping of such bonds and securities. A trust company or bank so designated and located without the state shall have a combined actual paid up capital and surplus of not less than one million dollars. The identity of the trustee, the terms of the agreement between such trustee and the depositary, and the character of the bonds or securities pledged, shall all be subject to the approval of the state treasurer.

**43.85.090 Receipts to be issued by trustee.** A receipt describing the securities held and the purpose, terms, and conditions of such

holding, shall be issued by the trustee in duplicate, and one of such duplicates shall be delivered to the state treasurer to whom the securities are pledged, and one shall be delivered to the depositary by whom the securities are pledged. Such receipt shall be accepted by all public officers of the state as prima facie evidence of the facts therein stated.

**43.85.100 Interest coupons to depositary.** In the event of the insolvency or closing of the depositary bank, the trustee shall, upon demand, deliver the securities to the state treasurer.

Prior to any default of the depositary the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited the interest coupons thereof and deliver them on demand, to the depositary.

**43.85.110 Trustee's compensation payable by depositary.** The compensation of the trustee for keeping the securities shall be a charge against and be paid by the depositary and shall not be chargeable to the state as pledgee or to the treasurer thereof, nor shall such charges or compensation be a lien upon the pledged securities.

**43.85.120 Bank cannot act as trustee of its own securities.** No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depositary of state funds: *Provided*, That nothing herein shall prevent the state treasurer from keeping under his sole control in a safe, or safe deposit box in the vault of a bank or trust company, bonds or securities pledged by that bank or trust company as a depositary of state funds.

**43.85.130 Deposit of land commissioner's funds.** The commissioner of public lands shall deposit daily all moneys and fees collected or received by him in the discharge of his official duties, including all moneys and fees which remain in his custody and control awaiting disposition under the provisions of the land laws, or the action of the department of natural resources: *Provided*, That all moneys collected or received by him, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases, where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by law.

Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

**43.85.140 Designation of depositaries.** The deposit of all moneys other than the moneys paid to the state treasurer as required by

law, shall be made only in special depositaries. The depositaries shall be designated and selected by the state finance committee in the manner provided for the designation of state depositaries, and after such selection and designation by the committee notice thereof shall be given to the commissioner of public lands, and the commissioner shall thereupon make daily deposits therein of the moneys in his official custody and control.

**43.85.150 Collateral.** Every depositary so selected shall file with the state treasurer a good and sufficient bond or collateral securities, or bonds of the United States, or bonds or warrants of the state, or of any county or school district in this state, to be approved by the committee as a security and pledge for the payment on demand of the commissioner of public lands, or his order or his successors, free of exchange, at any place in this state designated by the commissioner, of all such moneys so deposited by him, and the interest thereon at the rate fixed by the state finance committee. Such bond or securities shall be at least equal to the amount of the moneys to be received by the depositary, and shall, before any deposit by the commissioner of public lands, be approved by the committee. The depositary may be examined from time to time as provided in relation to state depositaries.

**43.85.160 Rate of interest.** The state finance committee shall from time to time fix the rate of interest to be paid by depositaries upon moneys deposited with them by the commissioner of public lands.

**43.85.170 Quarterly statement.** Every state depositary selected for the receipt and deposit of moneys by the commissioner of public lands, shall quarterly on the first of January, April, July, and October file with the state auditor a sworn statement of the amount of moneys on deposit with it to the credit of the commissioner of public lands, together with a computation of the interest earned thereon at the rate fixed by the state finance committee, to be computed upon the daily balance on deposit, and such statement and computation shall also be made to the committee. The interest shall thereupon be forthwith remitted by the depositary to the state treasurer and by him placed in and credited to the general fund.

**43.85.180 Form of statement—Penalty.** The statements required of the depositaries shall be upon such forms as may be prescribed by the state finance committee and shall be accompanied by the affidavit of the president and cashier of such depositary, to the effect that it is in all respects true and correct, and that except for the interest therein credited, neither said depositary nor any officer,

agent or employees thereof, nor any person in its behalf, has in any way whatsoever given, paid, or rendered, or promised to give, pay, or render to any member of the state finance committee or to any person or corporation whatever, any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the moneys in the custody, possession, or control of the commissioner of public lands. Any person who shall make any false statement in any such affidavit shall be guilty of perjury.

**43.85.190 Deposits and rate of interest.** It is the purpose of RCW 43.85.190 through 43.85.240 to authorize the state treasurer to deposit state moneys or funds in his custody in state depositories at a rate of interest agreed to by the state finance committee and the depository.

**43.85.200 ———State moneys defined.** All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds.

**43.85.210 ———Demand and time accounts authorized.** The state treasurer may deposit state moneys or funds at interest in any qualified state depository bank upon a demand or time account basis.

**43.85.220 ———Members of federal reserve or federal deposit insurance corporation.** If state depositories are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositories to the extent and for the period of time that payment thereof is prohibited.

**43.85.230 ———Term deposit basis.** The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified depository bank or banks in the state.

**43.85.240 ———Disposition of interest paid by depositories.** All sums paid as interest to the state by depositories keeping public moneys or funds of the state on deposit shall be credited by the state treasurer upon receipt thereof to the general fund, excepting

that any sums paid as interest from the use of motor vehicle funds shall be credited by the state treasurer to the motor vehicle fund.

### Chapter 43.86

#### STATE BUDGET

**43.86.090 Deficiencies prohibited.** It shall be unlawful for any department head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

**43.86.100 Emergencies.** Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any department for which insufficient or no appropriations have been made, the head of such department shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, he shall indorse on each copy of the statement his approval, together with a statement of the amount approved and transmit one copy to the head of the department and thereby authorize him to incur such liability. Such authorization and full compliance with its provisions shall relieve the person incurring any such liability from personal liability or penalty therefor.

The total amount of such liabilities outstanding on December 1st of the year preceding the biennial session of the legislature shall be included in the governor's budget as a deficiency, and provision for an appropriation therefor made in his budget bill: *Provided*, That in no biennium shall the total amount of such liabilities exceed the sum of two hundred fifty thousand dollars.

**43.86.130 Penalty.** Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor.

**43.86.140 Terms defined.** The term "department" as used in this chapter includes every elective office of the state government, every state department, institution, board, commission, committee, or other administrative unit expending state funds.

The term "fiscal year" means the year beginning July 1st and ending on the following June 30th.

### Chapter 43.88

#### BUDGET AND ACCOUNTING SYSTEM

**43.88.010 Purpose.** It is the purpose of this chapter to establish an effective budget and accounting system for all activities of the



state government; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

**43.88.020 Definitions.** (1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Budget director" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The budget director shall be head of the central budget agency, which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

**43.88.030 Content of the budget document.** The budget document shall consist of the following parts:

Part I shall contain the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

Part I shall also contain:

As to revenues:

- (1) Anticipated revenues classified by fund and source;
- (2) Comparisons between revenues actually received during the immediately past fiscal period, those received or anticipated for the current period, and those anticipated for the ensuing period;
- (3) Cash surplus, by fund, to the extent provided by RCW 43.88.040;
- (4) Such additional information dealing with revenues as the governor shall deem pertinent and useful to the legislature.

As to expenditures:

- (1) Tabulations showing expenditures classified by fund, function, activity and object;
- (2) Cash deficit, by fund, to the extent provided by RCW 43.88.050;
- (3) Such additional information dealing with expenditures as the governor shall deem pertinent and useful to the legislature.

Part II shall embrace the detailed estimates of all anticipated revenues applicable to proposed operating expenditures. Part II shall also include all proposed operating expenditures. The total of anticipated revenues shall equal the total of proposed applicable expenditures: *Provided*, That this requirement shall not prevent the liquidation of any deficit existing on the effective date of this chapter. This part shall further include:

- (1) Interest, amortization and redemption charges on the state debt;
- (2) Payments of all reliefs, judgments and claims;
- (3) Other statutory expenditures;
- (4) Expenditures incident to the operation for each agency in such form as the governor shall determine;
- (5) Revenues derived from agency operations;
- (6) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current and next ensuing periods;
- (7) Such other information as the governor shall deem useful to the legislature in gaining an understanding of revenues and expenditures.

Part III shall consist of:

- (1) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;
- (2) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a

statement of the reason or purpose for the project along with an estimate of its cost;

(3) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature.

**43.88.040 Cash surplus.** Surplus available for appropriation shall be limited to cash surplus, defined for purposes of this chapter as any money, assets or other resources available for expenditure over and above any liabilities which are expected to be incurred by the close of the current fiscal period. If the aggregate of estimated revenues for the next ensuing fiscal period, together with the surplus, if any, for the current fiscal period exceeds the applicable appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his recommendations for the use of said excess of anticipated revenues, and said surplus, over applicable appropriations for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his discretion shall serve the best interests of the state.

**43.88.050 Cash deficit.** Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of expenditures charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available reserve funds.

If, for any applicable fund, the estimated revenues for the next ensuing period plus cash surplus shall be less than the aggregate of appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may provide for orderly liquidation of the currently existing deficit over a period of one or more fiscal periods, if, in his discretion, such manner of liquidation would best serve the public interest.

**43.88.060 Legislative review of budget document and budget bill.** Within five calendar days after the convening of the legislature the governor shall submit the budget document unless such time is extended by the legislature. The governor shall also submit a budget bill which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested,

by either house of the legislature, appear to be heard with respect to the budget document and the budget bill and to supply such additional information as may be required.

**43.88.070 Appropriations.** Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums.

**43.88.080 Adoption of budget.** Adoption of the appropriation, or budget, bill by the legislature shall constitute adoption of the budget and the making of appropriations therefor. The budget shall be finally adopted not later than thirty calendar days prior to the beginning of the fiscal period.

**43.88.090 Development of budget.** For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary.

**43.88.100 Executive hearings.** The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the

attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination.

**43.88.110 Expenditure programs—Allotments—Reserves.** Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: *Provided*, That revision of allotments shall not be made for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; and Western Washington State College. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials and for institutions for higher education, as provided in this section, the approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials and for institutions for higher education the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter.

**43.88.120 Revenue estimates.** Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates at such times and in such form as may be required by him.

**43.88.130 When contracts and expenditures prohibited.** No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void.

**43.88.140 Lapsing of appropriations.** All appropriations shall lapse at the end of the fiscal period to the extent that they have not been expended or lawfully obligated. Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from which the appropriation was made.

**43.88.150 Priority of expenditures—Appropriated and nonappropriated funds.** For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor is authorized to direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds.

**43.88.160 Fiscal management—Powers and duties of officers and agencies.** This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; budget director. The governor, through his budget director, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the central budget agency. The budget director may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the budget director, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: *Provided*, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; and Western Washington State College;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him, except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; and Western Washington State College;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: *Provided*, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the budget director. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to whether agencies, in making expenditures, complied with the will of the legislature; and

(ii) Such plans as he deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the budget director. It shall be the duty of the budget director to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.



(b) Give information to the legislature and legislative council whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

**43.88.170 Refunds of erroneous or excessive payments.** Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds.

**43.88.180 Where appropriations not required.** Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. A trust fund is defined for purposes of this chapter as a fund consisting of resources received and held by an agency as trustee, to be expended or invested in accordance with the provisions of the trust. Said funds shall include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Nor shall appropriations be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. It shall not be necessary for an appropriation to be made to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

**43.88.190 Revolving funds.** Revolving funds shall not be created by law except to finance the operations of service units, or units set

up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer.

**43.88.200 Public records.** All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours.

**43.88.210 Transfer of certain powers and duties.** It is the intent of this chapter to assign to the governor's office authority for developing and maintaining budgeting, accounting, reporting and other systems necessary for effective expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter.

**43.88.220 Federal law controls in case of conflict—Rules.** If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal require-

ments which are a necessary condition to the receipt of federal funds by the state.

**43.88.230 Legislative agencies and committees deemed part of legislative branch.** For the purposes of this chapter, the legislative council, the statute law committee, the legislative budget committee, and all legislative interim committees shall be deemed a part of the legislative branch of state government.

**43.88.240 Exemption of certain fruit, dairy, agricultural commissions.** This chapter shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66: *Provided*, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

## Chapter 43.89

### TELETYPEWRITER COMMUNICATIONS NETWORK

**43.89.010 Teletypewriter communications network—Establishment—Use—Charges—Duties of director of budget.** The director of budget is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The director of budget is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The director of budget shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as

its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The director of budget is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

**43.89.020 State communications advisory committee—Created—Members—Pay—Terms—Powers and duties.** There is hereby created the state communications advisory committee which shall advise the director of budget on matters relating to the operation of the teletypewriter communications system established hereunder.

(1) The committee shall serve without pay and shall meet at such times as the chairman or director of budget so determine. Attendance at meetings of the committee shall be deemed performance by a member of the duties of his state or political subdivision's employment.

(2) The committee shall consist of seven members appointed by the governor and shall include:

- (a) An incumbent county sheriff;
- (b) An incumbent chief of police;
- (c) An incumbent county commissioner;
- (d) An incumbent city chief executive officer;
- (e) A member of the Washington state patrol;
- (f) The director of state institutions or his duly authorized representative;
- (g) The state director of civil defense.

(3) The term of each member of the committee shall be two years, except that the term of three of the original members, to be determined by the governor, shall expire on July 1, 1964. The governor shall designate one of the members to serve as chairman.

(4) The committee shall advise the director of budget on the initial formation and installation of a teletypewriter communications network and approve the initial or subsequent connection of any city, county, city and county or local subdivision to the network.

(5) The committee shall adopt such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of the communications network.

**43.89.030 Connection with and participation in network by political subdivisions.** Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and

county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the director of budget.

### Chapter 43.91

## AUTOMOBILE POOL

**43.91.010 Pool may be established.** The director of highways may establish a centralized transportation service, known as the automobile pool, to provide all appointive state offices, boards, commissions, departments, and institutions with automotive transportation required for the transaction of official state business.

**43.91.020 Purchase of cars, storage, upkeep, repair, etc.** The director shall acquire by purchase from time to time a sufficient number of automobiles to fulfill the needs of the automobile pool, provide for the necessary storage, upkeep and repair thereof, and establish means for servicing all vehicles in the pool with gasoline, lubricating oil, and other necessary operating requirements.

**43.91.030 Request for vehicles.** All officers and employees of the various state agencies embraced in this chapter, whenever transportation by motor vehicle is necessary on state business, shall present to the director a written request for a vehicle which shall be furnished out of the automobile pool.

**43.91.040 Check on mileage—Cost to be billed.** The director shall keep a check on the mileage of each vehicle in the pool when in the use of any state agency, and at the end of each month shall bill the several using agencies on the basis of a mileage charge commensurate with the cost of operating the pool.

**43.91.050 Use by other departments.** Any state office, board, commission, department, or institution other than those mentioned in RCW 43.91.010 shall have the privilege of participating in the automobile pool whenever automotive transportation is needed for the transaction of official business and when so participating shall be subject to the same requirements, limitations, and restrictions as are, by this chapter or by rules and regulations of the director, imposed upon the state agencies mentioned in RCW 43.91.010.

**43.91.060 Highway equipment fund to finance pool.** The establishment, maintenance, and operation of the automobile pool shall be financed by the director of highways out of the highway equipment fund, to which shall be credited all receipts from the pool operation, and out of which shall be paid all necessary expenses incurred.

**43.91.070 Rules and regulations.** The director of highways may promulgate such rules and regulations as may be necessary to effectuate the purposes of this chapter.

**43.91.080 Private vehicles may be used.** This chapter shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor.

## Chapter 43.92

### GEOLOGICAL SURVEY

**43.92.010 Duty of director—Supervisor of geology.** There shall be a geological survey of the state which shall be under the direction of the director of conservation who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology.

**43.92.020 Objects of survey.** The survey shall have for its objects: An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops; investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall be deemed of value to the people of the state.

**43.92.030 Report to legislature.** The director of conservation shall cause to be prepared a report to the legislature before each regular session, showing the progress and condition of the survey, together with such other information as he may deem necessary and useful or as the legislature may require.

**43.92.040 Printing and distribution of reports.** The regular and special reports of the survey with proper illustrations and maps,

shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury.

**43.92.050 Materials distributed to schools.** All materials collected after having served the purpose of the survey shall be distributed by the director to the University of Washington, Washington State University, the Colleges of Education, and the leading high schools of the state in such a manner as to be of the greatest advantage to the educational interests of the state.

**43.92.060 Cooperation with federal geological survey.** The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: *Provided*, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state.

**43.92.070 Topographic map—Stream measurements.** In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

**43.92.080 Entry on lands authorized.** In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property.

### Chapter 43.97

#### COLUMBIA RIVER GORGE COMMISSION

**43.97.010 Definition.** As used in this chapter unless the context requires otherwise, "commission" means the Columbia River Gorge commission.

**43.97.020 Commission created.** There is hereby created a non-partisan and nonsalaried commission to be known as the Columbia River Gorge commission consisting of three members who are resi-

dents of Skamania, Klickitat and Clark counties respectively, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1st of the year of appointment; provided the first members shall be appointed, one for two years, one for four years, and one for six years. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

**43.97.030 Purposes—Comprehensive plan.** For the purpose of preserving, developing and protecting, the recreational, scenic and historic areas of the Columbia River Gorge, the commission is directed to prepare a comprehensive plan including boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning, regulations and other features necessary to accomplish the transition of the Columbia River Gorge to a state recreational area. Said plan shall first be submitted to the governor for his consideration and approval.

**43.97.040 Powers and duties.** The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this chapter.

(4) To cooperate with other agencies and political subdivisions of the state, the state of Oregon, the federal government, private organizations and individuals to the extent necessary to carry out the provisions of this chapter.

(5) To receive any gifts, either inter vivos or testamentary in character.

**43.97.050 Columbia River Gorge commission account—Disposition.** All moneys, from whatever sources, including moneys received by gift, bequest or contribution, shall be paid into the state treasury for deposit to the Columbia River Gorge commission account. The expenditures of the commission shall be made from this account upon vouchers approved by the commission: *Provided*, That moneys received from gifts may be expended in accordance with the terms thereof.



**Chapter 43.98****OUTDOOR RECREATIONAL FACILITIES**

**43.98.010 General obligation bonds authorized.** For the purpose of providing funds for the development of outdoor recreational facilities in the state, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as shall be required to finance the program for which these bonds are being authorized: *Provided*, That funds realized from the sale of such bonds shall be used solely for the acquisition of land and attached appurtenances and such property shall be for outdoor recreational use.

The state finance committee is authorized to prescribe the form of such bonds and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine.

**43.98.020 Disposition of proceeds of sale.** The proceeds from the sale of the bonds authorized herein shall be deposited in the parks and parkways account of the general fund or such other account or fund as shall be established for this purpose. Any agency or commission charged with the administration of the account or fund is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter.

**43.98.030 Bonds payable from proceeds of corporation fees.** The bonds issued under the provisions of this chapter shall be payable from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937, as now or hereafter amended. The bonds and interest shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon that portion of the corporation fees so collected.

**43.98.040 Outdoor recreational bond redemption fund.** The outdoor recreational bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the

payment of interest on and retirement of the bonds authorized by this chapter.

**43.98.050 Remedies of bondholders.** The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

**43.98.060 Legislature may provide additional means of support.** The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this chapter shall not be deemed to provide an exclusive method for such payment.

**43.98.070 Bonds legal investment for funds of state and municipal corporations.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**43.98.090 Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter.** No bonds authorized by this chapter shall be issued until there shall first be obtained and filed in the office of the state finance committee the written consent of the holders of all outstanding bonds issued under authority of chapter 174, Laws of 1957, as amended by chapter 152, Laws of 1961, to the changes effected by this chapter and the 1963 amendments of RCW 43.31.620 and 43.31.740 in the order of priority of payment of said world fair bonds out of the proceeds of the corporation fees collected under chapter 70, Laws of 1937 as amended.

## Chapter 43.198

### CONSTRUCTION

**43.198.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby

and such appropriation shall lapse or shall have lapsed in accordance with the original enactment.

**43.198.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**43.198.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**43.198.040 Repeals and saving.** The following acts or parts of acts are hereby repealed:

- (1) Sections 1 through 18, pages 409-412, Laws of 1854;
- (2) Sections 1 through 9, pages 413, 414, Laws of 1854;
- (3) Sections 1 through 20, pages 45-51, Laws of 1863-1864;
- (4) Sections 1 through 12, pages 51-54, Laws of 1863-1864;
- (5) Sections 1 through 3, page 37, Laws of 1864-1865;
- (6) Sections 1 and 2 of "AN ACT Relating to territorial warrants", page 408, Laws of 1869;
- (7) Sections 1 through 12, pages 76-79, Laws of 1871;
- (8) Sections 1 through 9, pages 96-98, Laws of 1871;
- (9) Sections 1 through 4, pages 128-129, Laws of 1879;
- (10) Sections 2367, 2566 through 2587, Code of 1881;
- (11) Sections 1 through 3, page 61, Laws of 1883;
- (12) Sections 1 through 13, pages 133-136, Laws of 1885-1886;
- (13) Sections 1 through 9, chapter 7, Laws of 1887-1888;
- (14) Sections 1 through 4, chapter 129, Laws of 1887-1888;
- (15) Sections 1 through 7, chapter 20, pages 627-629, Laws of 1889-1890;
- (16) Sections 1, 2, 10, 11, and 12, chapter 20, pages 629-634, Laws of 1889-1890;
- (17) Sections 1 through 25, chapter 20, pages 634-641, Laws of 1889-1890;
- (18) Sections 1 through 13, chapter 20, pages 642-645, Laws of 1889-1890;
- (19) Sections 1 through 7, chapter 20, pages 645-647, Laws of 1889-1890;
- (20) Sections 1 through 12, chapter 20, pages 647-651, Laws of 1889-1890;
- (21) Section 2, chapter 55, Laws of 1891;
- (22) Section 1, chapter 82, Laws of 1891;
- (23) Sections 2 through 7, 9 through 15, chapter 98, Laws of 1891;
- (24) Chapter 138, Laws of 1891;
- (25) Chapter 101, Laws of 1893;

- (26) Chapter 85, Laws of 1895;
- (27) Chapter 98, Laws of 1895;
- (28) Chapter 141, Laws of 1895;
- (29) Chapter 29, Laws of 1897;
- (30) Chapter 44, Laws of 1899;
- (31) Sections 1 through 5, 7 and 8, chapter 74, Laws of 1901;
- (32) Section 4, chapter 81, Laws of 1901;
- (33) Section 1, chapter 116, Laws of 1901;
- (34) Chapter 165, Laws of 1901;
- (35) Chapter 179, Laws of 1901;
- (36) Chapter 75, Laws of 1903;
- (37) Chapter 95, Laws of 1903;
- (38) Chapter 107, Laws of 1903;
- (39) Chapter 157, Laws of 1903;
- (40) Chapter 43, Laws of 1905;
- (41) Chapter 59, Laws of 1905;
- (42) Chapter 99, Laws of 1905;
- (43) Chapter 168, Laws of 1905;
- (44) Chapter 8, Laws of 1907;
- (45) Chapter 12, Laws of 1907;
- (46) Chapter 37, Laws of 1907;
- (47) Sections 1, 17, and 20, chapter 83, Laws of 1907;
- (48) Chapter 94, Laws of 1907;
- (49) Chapter 96, Laws of 1907;
- (50) Section 1, chapter 168, Laws of 1907;
- (51) Chapter 174, Laws of 1907;
- (52) Sections 14 through 19, chapter 29, Laws of 1909;
- (53) Chapter 43, Laws of 1909;
- (54) Section 1, chapter 69, Laws of 1909;
- (55) Sections 1 through 8, 10, and 11, chapter 76, Laws of 1909;
- (56) Chapter 133, Laws of 1909;
- (57) Chapter 151, Laws of 1909;
- (58) Section 2, chapter 208, Laws of 1909;
- (59) Chapter 245, Laws of 1909;
- (60) Chapter 22, Laws of 1909 extraordinary session;
- (61) Chapter 30, Laws of 1911;
- (62) Chapter 51, Laws of 1911;
- (63) Sections 6 and 10, chapter 60, Laws of 1913;
- (64) Chapter 113, Laws of 1913;
- (65) Chapter 15, Laws of 1915;
- (66) Section 2, chapter 27, Laws of 1915;
- (67) Sections 2 and 7, chapter 66, Laws of 1915;
- (68) Chapter 73, Laws of 1915;
- (69) Chapter 75, Laws of 1915;
- (70) Section 7, chapter 169, Laws of 1915;

- (71) Sections 9 and 11, chapter 180, Laws of 1915;
- (72) Section 1, chapter 11, Laws of 1917;
- (73) Sections 2 through 10, chapter 36, Laws of 1917;
- (74) Sections 2, 3, 4, 9, 11, and 13, chapter 80, Laws of 1917;
- (75) Section 8, chapter 117, Laws of 1917;
- (76) Chapter 129, Laws of 1917;
- (77) Chapter 37, Laws of 1919;
- (78) Chapter 80, Laws of 1919;
- (79) Chapter 118, Laws of 1919;
- (80) Chapter 119, Laws of 1919;
- (81) Chapter 124, Laws of 1919;
- (82) Chapter 126, Laws of 1919;
- (83) Section 1, chapter 201, Laws of 1919;
- (84) Sections 2, 3, and 6, chapter 209, Laws of 1919;
- (85) Sections 2, 3, 4, 6, 8, 10, 14, 15, 16, 18, 19, 20, 31, 37, 42, 47, 56 through 59, 61, 63, 64, 66, 69, 70, 72 through 106, 118, 121, 128, 133 and 134, chapter 7, Laws of 1921;
- (86) Chapter 28, Laws of 1921;
- (87) Chapter 36, Laws of 1921;
- (88) Chapter 49, Laws of 1921;
- (89) Chapter 81, Laws of 1921;
- (90) Chapter 119, Laws of 1921;
- (91) Chapter 149, Laws of 1921;
- (92) Chapter 109, Laws of 1923;
- (93) Chapter 127, Laws of 1923;
- (94) Sections 1 and 2, chapter 154, Laws of 1923;
- (95) Chapter 157, Laws of 1923;
- (96) Chapter 9, Laws of 1925;
- (97) Chapter 90, Laws of 1925 extraordinary session;
- (98) Chapter 92, Laws of 1925 extraordinary session;
- (99) Chapter 163, Laws of 1925 extraordinary session;
- (100) Chapter 77, Laws of 1927;
- (101) Chapter 183, Laws of 1927;
- (102) Section 2, chapter 288, Laws of 1927;
- (103) Chapter 304, Laws of 1927;
- (104) Sections 1 through 6, chapter 306, Laws of 1927;
- (105) Chapter 68, Laws of 1929;
- (106) Chapter 83, Laws of 1929;
- (107) Chapter 92, Laws of 1929;
- (108) Chapter 115, Laws of 1929;
- (109) Chapter 148, Laws of 1929;
- (110) Chapter 161, Laws of 1929;
- (111) Chapter 162, Laws of 1929;
- (112) Sections 1 and 2, chapter 87, Laws of 1931;
- (113) Section 3, chapter 132, Laws of 1931;

- (114) Sections 1 and 2, chapter 3, Laws of 1933;
- (115) Chapter 25, Laws of 1933;
- (116) Chapter 47, Laws of 1933;
- (117) Chapter 81, Laws of 1933;
- (118) Sections 3 and 4, chapter 97, Laws of 1933;
- (119) Section 1, chapter 118, Laws of 1933;
- (120) Chapter 126, Laws of 1933;
- (121) Chapter 34, Laws of 1933 extraordinary session;
- (122) Sections 3 and 4, chapter 54, Laws of 1933 extraordinary session;
- (123) Chapter 60, Laws of 1935;
- (124) Section 1, chapter 63, Laws of 1935;
- (125) Section 1, chapter 71, Laws of 1935;
- (126) Chapter 76, Laws of 1935;
- (127) Chapter 91, Laws of 1935;
- (128) Chapter 130, Laws of 1935;
- (129) Chapter 132, Laws of 1935;
- (130) Chapter 139, Laws of 1935;
- (131) Chapter 142, Laws of 1935;
- (132) Chapter 176, Laws of 1935;
- (133) Chapter 88, Laws of 1937;
- (134) Section 10, chapter 90, Laws of 1937;
- (135) Section 1, chapter 111, Laws of 1937;
- (136) Section 7, chapter 114, Laws of 1937;
- (137) Chapter 139, Laws of 1937;
- (138) Section 2, chapter 168, Laws of 1937;
- (139) Chapter 224, Laws of 1937;
- (140) Chapter 120, Laws of 1939;
- (141) Chapter 146, Laws of 1939;
- (142) Chapter 226, Laws of 1939;
- (143) Chapter 50, Laws of 1941;
- (144) Chapter 129, Laws of 1941;
- (145) Chapter 196, Laws of 1941;
- (146) Section 2, chapter 204, Laws of 1941;
- (147) Chapter 228, Laws of 1941;
- (148) Chapter 30, Laws of 1943;
- (149) Chapter 56, Laws of 1943;
- (150) Chapter 86, Laws of 1943;
- (151) Chapter 108, Laws of 1943;
- (152) Chapter 124, Laws of 1943;
- (153) Chapter 128, Laws of 1943;
- (154) Chapter 134, Laws of 1943;
- (155) Chapter 160, Laws of 1943;
- (156) Chapter 205, Laws of 1943;
- (157) Chapter 215, Laws of 1943;

- (158) Chapter 217, Laws of 1943;
- (159) Chapter 225, Laws of 1943;
- (160) Chapter 283, Laws of 1943;
- (161) Chapter 36, Laws of 1945;
- (162) Chapter 71, Laws of 1945;
- (163) Chapter 112, Laws of 1945;
- (164) Chapter 116, Laws of 1945;
- (165) Chapter 123, Laws of 1945;
- (166) Chapter 129, Laws of 1945;
- (167) Chapter 158, Laws of 1945;
- (168) Section 1, chapter 173, Laws of 1945;
- (169) Section 93, chapter 235, Laws of 1945;
- (170) Chapter 243, Laws of 1945;
- (171) Chapter 262, Laws of 1945;
- (172) Chapter 32, Laws of 1947;
- (173) Chapter 51, Laws of 1947;
- (174) Chapter 107, Laws of 1947;
- (175) Chapter 110, Laws of 1947;
- (176) Chapter 114, Laws of 1947;
- (177) Chapter 143, Laws of 1947;
- (178) Section 1, chapter 166, Laws of 1947;
- (179) Chapter 174, Laws of 1947;
- (180) Chapter 250, Laws of 1947;
- (181) Chapter 261, Laws of 1947;
- (182) Chapter 271, Laws of 1947;
- (183) Chapter 10, Laws of 1949;
- (184) Chapter 17, Laws of 1949;
- (185) Chapter 60, Laws of 1949;
- (186) Chapter 62, Laws of 1949;
- (187) Chapter 111, Laws of 1949;
- (188) Chapter 154, Laws of 1949;
- (189) Chapter 165, Laws of 1949;
- (190) Chapter 192, Laws of 1949;
- (191) Section 5, chapter 227, Laws of 1949;
- (192) Sections 1 through 4, chapter 57, Laws of 1951;
- (193) Chapter 96, Laws of 1951;
- (194) Chapter 99, Laws of 1951;
- (195) Sections 1 and 3, chapter 106, Laws of 1951;
- (196) Chapter 113, Laws of 1951;
- (197) Chapter 131, Laws of 1951;
- (198) Chapter 140, Laws of 1951;
- (199) Chapter 151, Laws of 1951;
- (200) Chapter 170, Laws of 1951;
- (201) Chapter 232, Laws of 1951;
- (202) Sections 16 through 37, chapter 247, Laws of 1951;

- (203) Section 1, chapter 39, Laws of 1953;
- (204) Chapter 47, Laws of 1953;
- (205) Chapter 56, Laws of 1953;
- (206) Chapter 64, Laws of 1953;
- (207) Section 1, chapter 90, Laws of 1953;
- (208) Chapter 105, Laws of 1953;
- (209) Chapter 130, Laws of 1953;
- (210) Sections 1 and 2, chapter 174, Laws of 1953;
- (211) Sections 1 and 3, chapter 184, Laws of 1953;
- (212) Chapter 259, Laws of 1953;
- (213) Chapter 262, Laws of 1953;
- (214) Chapter 281, Laws of 1953;
- (215) Chapter 287, Laws of 1953;
- (216) Chapter 16, Laws of 1955;
- (217) Chapter 78, Laws of 1955;
- (218) Chapter 87, Laws of 1955;
- (219) Chapter 91, Laws of 1955;
- (220) Chapter 140, Laws of 1955;
- (221) Chapter 173, Laws of 1955;
- (222) Chapter 192, Laws of 1955;
- (223) Chapter 197, Laws of 1955;
- (224) Chapter 198, Laws of 1955;
- (225) Chapter 200, Laws of 1955;
- (226) Chapter 222, Laws of 1955;
- (227) Chapter 224, Laws of 1955;
- (228) Chapter 226, Laws of 1955;
- (229) Chapter 244, Laws of 1955;
- (230) Chapter 258, Laws of 1955;
- (231) Sections 2 through 10, 12, 13, and 18, chapter 285, Laws of 1955;
- (232) Chapter 330, Laws of 1955;
- (233) Chapter 332, Laws of 1955;
- (234) Chapter 333, Laws of 1955;
- (235) Chapter 334, Laws of 1955;
- (236) Chapter 335, Laws of 1955;
- (237) Sections 1 through 6, and 12, chapter 340, Laws of 1955;
- (238) Chapter 370, Laws of 1955;
- (239) Chapter 391, Laws of 1955;
- (240) Chapter 12, Laws of 1955 extraordinary session;
- (241) Chapter 13, Laws of 1955 extraordinary session;
- (242) Chapter 20, Laws of 1957;
- (243) Chapter 38, Laws of 1957;
- (244) Sections 1, 2, 3, and 5, chapter 90, Laws of 1957;
- (245) Sections 2 and 6, chapter 115, Laws of 1957;
- (246) Chapter 162, Laws of 1957;



- (247) Chapter 174, Laws of 1957;
- (248) Sections 1 through 4, chapter 175, Laws of 1957;
- (249) Section 1, chapter 187, Laws of 1957;
- (250) Chapter 210, Laws of 1957;
- (251) Sections 1 through 23, 25, and 26, chapter 215, Laws of 1957;
- (252) Chapter 226, Laws of 1957;
- (253) Chapter 229, Laws of 1957;
- (254) Chapter 245, Laws of 1957;
- (255) Sections 3 through 19, chapter 275, Laws of 1957;
- (256) Chapter 284, Laws of 1957;
- (257) Chapter 291, Laws of 1957;
- (258) Chapter 295, Laws of 1957;
- (259) Chapter 8, Laws of 1959;
- (260) Chapter 74, Laws of 1959;
- (261) Chapter 88, Laws of 1959;
- (262) Section 3, chapter 91, Laws of 1959;
- (263) Chapter 115, Laws of 1959;
- (264) Chapter 150, Laws of 1959;
- (265) Chapter 171, Laws of 1959;
- (266) Chapter 178, Laws of 1959;
- (267) Chapter 194, Laws of 1959;
- (268) Chapter 215, Laws of 1959;
- (269) Chapter 228, Laws of 1959;
- (270) Chapter 238, Laws of 1959;
- (271) Sections 1 through 9, 10 through 15, chapter 255, Laws of 1959;
- (272) Section 45, chapter 257, Laws of 1959;
- (273) Section 5, chapter 263, Laws of 1959;
- (274) Section 6, chapter 273, Laws of 1959;
- (275) Sections 1, 2, and 4, chapter 301, Laws of 1959;
- (276) Chapter 313, Laws of 1959;
- (277) Chapter 317, Laws of 1959;
- (278) Chapter 328, Laws of 1959;
- (279) Chapter 9, Laws of 1959 extraordinary session;
- (280) Sections 31 and 32, chapter 1, Laws of 1961;
- (281) Chapter 19, Laws of 1961;
- (282) Chapter 93, Laws of 1961;
- (283) Sections 1 through 4, and 6 through 18, chapter 152, Laws of 1961;
- (284) Chapter 154, Laws of 1961;
- (285) Chapter 164, Laws of 1961;
- (286) Sections 1 and 2, chapter 170, Laws of 1961;
- (287) Chapter 184, Laws of 1961;
- (288) Chapter 215, Laws of 1961;

- (289) Chapter 220, Laws of 1961;
- (290) Section 11, chapter 281, Laws of 1961;
- (291) Sections 1 through 6, chapter 300, Laws of 1961;
- (292) Chapter 301, Laws of 1961;
- (293) Sections 1, 2, 3, 5, 6, 12, and 13, chapter 307, Laws of 1961;
- (294) Sections 1, 2, and 3, chapter 5, Laws of 1961 extraordinary session;
- (295) Section 3, chapter 11, Laws of 1961 extraordinary session;
- (296) Chapter 23, Laws of 1961 extraordinary session;
- (297) Chapter 141, Laws of 1963;
- (298) Chapter 160, Laws of 1963;
- (299) Chapter 161, Laws of 1963;
- (300) Chapter 175, Laws of 1963;
- (301) Chapter 209, Laws of 1963;
- (302) Sections 1 through 10, chapter 12, Laws of 1963 extraordinary session;
- (303) RCW 43.79.070, RCW 43.79.190, and RCW 43.79.200.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, ordinance, or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.

The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed.

**43.198.050 Emergency.** 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 Senate March 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 5, 1965.

Explanatory  
note.

Title 43

STATE GOVERNMENT—EXECUTIVE  
EXPLANATORY NOTE

## I. Introductory

As part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 43. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the statutory devolution of powers, duties and functions from one agency to another without express amendments to preexisting statutes, and the division and combining of session law sections by the 1941 Code Committee, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 43 has been in use for a period of fourteen years, the codifications subcommittee of the Statute Law Committee, after submitting pertinent portions of the study and work materials relating to this title to the department of natural resources, the department of general administration, the department of commerce and economic development, the department of conservation, the department of licenses, the department of labor and industries, the department of fisheries, the department of institutions, the department of health, the public printer, the attorney general, the state auditor, the state treasurer, the director of budget, the University of Washington, Washington State University, and the State Colleges of Education, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 43, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The chapters and sections presently codified in Title 43 that are omitted from the bill are duly commented upon in the section by section comment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

## II. Section Comment

## Chapter 43.01 General Provisions

- 43.01.010 Source—[1891 c 82 § 1; RRS § 10980.]  
 43.01.020 Source—[1909 c 43 § 1; RRS § 10981.]  
 43.01.030 Source—[1929 c 161 § 1; RRS § 10973-1.]  
 43.01.035 Source—[1953 c 184 § 3.]  
 The transitory language contained in the two provisos eliminated as temporary.  
 43.01.040 Source—[1955 c 140 § 1; 1921 c 7 § 133; RRS § 10891.]  
 43.01.041 Source—[1955 c 140 § 2.]  
 43.01.042 Source—[1955 c 140 § 3.]  
 43.01.043 Source—[1955 c 140 § 4.]  
 43.01.050 Source—[1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]  
 "state auditor" to "budget director" in first paragraph due to devolution of powers and administrative practice under the budget and accounting act.  
 43.01.060 Source—[1907 c 96 § 2; RRS § 5502.]  
 43.01.070 Source—[1907 c 96 § 3; RRS § 5503.]  
 43.01.072 Source—[1955 c 224 § 1.]

- 43.01.073 Source—[1955 c 224 § 2.]  
 “state auditor” changed to “state treasurer” in keeping with the devolution of warrant issuance responsibility from the state auditor to the state treasurer under the budget and accounting act. Explanatory note.
- 43.01.074 Source—[1955 c 224 § 3.]  
 “state auditor” changed to “state treasurer” in keeping with the devolution of warrant issuance responsibility from the state auditor to the state treasurer under the budget and accounting act.
- 43.01.075 Source—[1955 c 224 § 4.]
- 43.01.080 Source—[(1) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6.]  
 Recodified as RCW 43.10.067.
- 43.01.090 Source—[(1) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964-30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964-31.]  
 Director of “public institutions” changed to director of “general administration” as the powers and duties of the former director of public institutions relating to housing of state agencies were repealed by 1955 c 195 § 3 and the director of general administration was vested with such powers and duties by virtue of 1955 c 285 § 9 (later amended by 1959 c 301 § 2) and 1959 c 255 § 1 (later amended by 1961 c 184 § 1), (RCW 43.82.010).
- 43.01.100 Source—[1955 c 87 § 1.]
- 43.01.110 Source—[1955 c 87 § 2.]

## Chapter 43.03 Salaries and Expenses

- 43.03.010 Source—[1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1. Prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1923 c 109 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]
- 43.03.020 Source—[1919 c 118 § 1. RRS § 10979.]
- 43.03.028 Source—[1961 c 307 § 1; 1955 c 340 § 1.]
- 43.03.030 Source—[(1) 1921 c 49 § 1; RRS § 10896. (ii) 1933 c 47 § 1; RRS § 10976-1.]  
 “section” to “subsection” in last phrase of subsection (1) to restore legislative intent as code section is a composite of two session law sections.
- 43.03.040 Source—[1961 c 307 § 2; 1955 c 340 § 2; 1949 c 111 § 1; 1937 c 224 § 1; Rem. Supp. 1949 § 10776-1.]
- 43.03.050 Source—[1961 c 220 § 1; 1959 c 194 § 1; 1953 c 259 § 1; 1949 c 17 § 1; 1943 c 86 § 1; Rem. Supp. 1949 § 10981-1.]
- 43.03.060 Source—[1949 c 17 § 2; 1943 c 86 § 2; Rem. Supp. 1949 § 10981-2.]
- 43.03.070 Source—[(1) 1943 c 86 § 3; Rem. Supp. 1943 § 10981-3. (ii) 1943 c 86 § 4; Rem. Supp. 1943 § 10981-4.]  
 Repealed and not reenacted as superseded by the budget and accounting act (1959 c 328; chapter 43.88 RCW). Under RCW 43.88.160(2) the agency head authenticates and certifies on forms prescribed by the budget director that the services have been rendered. The instant section is part of a pre-audit function which became an agency responsibility under the budget and accounting act.
- 43.03.080 Source—[1951 c 99 § 1; 1937 c 139 § 1; RRS § 10890-1.]
- 43.03.090 Source—[1937 c 139 § 2; RRS § 10890-2.]
- 43.03.100 Source—[1937 c 139 § 3; RRS § 10890-3.]
- 43.03.110 Source—[1943 c 128 § 1; Rem. Supp. 1943 § 9948-1.]

## Chapter 43.06 Governor

- 43.06.010 Source—[1890 p 627 § 1; RRS § 10982.]
- 43.06.015 Source—[1953 c 47 § 1.]

|                      |           |   |
|----------------------|-----------|---|
| Explanatory<br>note. | 43.06.020 | Source—[1921 c 28 § 1; 1890 p 628 § 2; RRS § 10983.]      |
|                      | 43.06.030 | Source—[1890 p 629 § 3; RRS § 10984.]                     |
|                      | 43.06.040 | Source—[1890 p 629 § 6; RRS § 10985.]                     |
|                      | 43.06.050 | Source—[1890 p 629 § 4; RRS § 10986.]                     |
|                      | 43.06.060 | Source—[1881 p 45 §§ 1-3; Code 1881 § 2367; RRS § 10988.] |
|                      | 43.06.070 | Source—[1893 c 101 § 1; RRS § 10988.]                     |
|                      | 43.06.080 | Source—[1893 c 101 § 2; RRS § 10989.]                     |
|                      | 43.06.090 | Source—[1893 c 101 § 3; RRS § 10990.]                     |
|                      | 43.06.100 | Source—[1949 c 10 § 1; Rem. Supp. 1949 § 10982-1.]        |

Chapter 43.07 Secretary of State

|           |  |
|-----------|--|
| 43.07.010 | Source—[1890 p 633 § 10; RRS § 10994.]   |
| 43.07.020 | Source—[1947 c 107 § 1; 1903 c 75 § 1; 1890 p 633 § 12; RRS § 10995.]                |
| 43.07.030 | Source—[1890 p 630 § 2; RRS § 10992.]  |
| 43.07.040 | Source—[1903 c 107 § 1; 1890 p 629 § 1; RRS § 10991.]                                |
| 43.07.050 | Source—[1895 c 85 § 1; RRS § 10933.]   |
| 43.07.060 | Source—[1895 c 85 § 2; RRS § 10934.]   |
| 43.07.070 | Source—[1895 c 85 § 3; RRS § 10935.]   |
| 43.07.080 | Source—[1895 c 85 § 4; RRS § 10936.]   |
| 43.07.090 | Source—[1895 c 85 § 5; RRS § 10937.]   |
| 43.07.100 | Source—[1895 c 85 § 6; RRS § 10938.]   |
| 43.07.110 | Source—[1895 c 85 § 7; RRS § 10939.]   |
| 43.07.120 | Source—[1959 c 263 § 5; 1907 c 56 § 1; 1903 c 151 § 1; 1893 c 130 § 1; RRS § 10993.] |

Chapter 43.08 State Treasurer

The fiscal responsibilities of the state treasurer were considerably changed by the state budget and accounting act passed in 1959. (1959 c 328 codified as chapter 43.88 RCW). The most pertinent portion of that act as it pertains to the state treasurer reads as follows:

(RCW 43.88.160(2))

“(2) The treasurer shall:

- (a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons; *Provided*, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;
- (b) Disburse public funds under his supervision or custody by warrant or check;
- (c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;
- (d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the budget director. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.”

In construing the effect of the 1959 act on earlier legislation our court in *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 stated: “The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject

and earlier legislation is necessarily repealed by implication." Thus the various sections of this chapter have been edited to reflect these changes. Explanatory note.

- 43.08.010 Source—[1890 p 642 § 1; RRS § 11019. Prior: 1886 p 134 § 2; 1871 p 77 § 2; 1864 p 52 § 3; 1854 p 413 § 3.]  
 "(1) Receive and keep all moneys of the state not expressly required by law to be received and kept by some other persons;" to "(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;"  
 "(2) Disburse the public moneys only upon warrants drawn upon the treasurer by the state auditor in the order of their number, date, and issue;" to "(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;"  
 "(3) Keep a just, true, and comprehensive account of all moneys received and disbursed; (4) Keep a just and true account of each appropriation made by law, and the disbursements under it;" to "(3) Account for moneys in the manner provided by law;"  
 "(5) Render his accounts to the state auditor in detail, for settlement quarterly, on the thirty-first day of March, thirtieth day of June, thirtieth day of September, and thirty-first day of December, of each year, or oftener if required;" to "(4) Render accounts in the manner provided by law;"  
 "(6) Indorse on each warrant the date of payment, the amount of the principal, and the interest due on that date;" to "(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;"  
 "(7) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding year;" to "(6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;"  
 "(8)" and "(9)" renumbered "(7)" and "(8)".  
 "(10) Upon payment of any warrant, take upon the back thereof the signature of the person to whom it is paid, and return it to the auditor with his quarterly statement." to "(9) Upon payment of any warrant or check, take upon the back thereof the indorsement of the person to whom it is paid."
- 43.08.020 Source—[1890 p 642 § 2; RRS § 11022. Prior: 1886 p 133 § 1; 1881 p 18 § 1; 1871 p 76 § 1; 1864 p 51 § 2; 1854 p 413 § 2.]
- 43.08.030 Source—[1890 p 643 § 6; RRS § 11025. Prior: 1886 p 135 § 6; 1871 p 78 § 6; 1864 p 53 § 7; 1854 p 414 § 7.]
- 43.08.040 Source—[1890 p 643 § 5; RRS § 11024. Prior: 1886 p 135 § 5; 1871 p 78 § 5; 1864 p 53 § 6; 1854 p 414 § 6.]
- 43.08.050 Source—[1890 p 643 § 3; RRS § 11023. Prior: 1886 p 134 § 3; 1864 p 53 § 4; 1854 p 414 § 4.]
- 43.08.060 Source—[1890 p 643 § 4; RRS § 5504. Prior: 1886 p 134 § 4; 1871 p 78 § 4; 1864 p 53 § 5; 1854 p 414 § 5.]  
 "state auditor" to "budget director" in two places.
- 43.08.062 Source—[1890 p 638 § 13; RRS § 11008. Prior: 1883 p 61 § 1.]  
 Formerly 43.09.100.  
 "auditor" to "treasurer"  
 "and notify the state treasurer of such cancellation" deleted from end of second paragraph.

- Explanatory note. 43.08.064 Source—[1890 p 639 § 15; RRS § 11010. Prior: 1888 p 236 § 1.] Formerly 43.09.110.  
 “auditor” to “treasurer”.  
 “43.09.100” to “43.08.062”.
- 43.08.066 Source—[1890 p 639 § 16; RRS § 11011. Prior: 1888 p 236 § 2.] Formerly 43.09.120.  
 “auditor” to “treasurer”
- 43.08.068 Source—[1890 p 640 § 17; RRS § 11012. Prior: 1888 p 236 § 3.] Formerly 43.09.130.  
 “auditor” to “treasurer”  
 “and immediately notify the state treasurer of such cancellation” deleted at end of paragraph.
- 43.08.070 Source—[1869 p 408 § 2; RRS § 5516.]
- 43.08.080 Source—[1890 p 644 § 8; RRS § 5517. Prior: 1886 p 135 § 9; 1871 p 79 § 9.]
- 43.08.090 Source—[1891 c 138 § 1; RRS § 5484.]
- 43.08.100 Source—[(1) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.]
- 43.08.110 Source—[1891 c 138 § 3; RRS § 5486.]  
 “state auditor” to “budget director” in last line.
- 43.08.120 Source—[1921 c 36 § 1; RRS § 11020.]
- 43.08.130 Source—[1890 p 644 § 7; RRS § 11026. Prior: 1886 p 135 § 8; 1871 p 78 § 8; 1864 p 53 § 8; 1854 p 414 § 8.]  
 “If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant out of the order of its number, date, and issue” to “If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant otherwise than as provided by law” as the administrative practice under the budget and accounting act is not to issue all warrants by number, date, and issue. Payment of interest bearing warrants is covered by RCW 39.56.010.
- 43.08.140 Source—[1890 p 644 § 10; RRS § 11027. Prior: 1886 p 105 § 11.]
- 43.08.150 Source—[1947 c 32 § 1; Rem. Supp. 1947 § 11019-1.]  
 Last sentence deleted as the state auditor no longer approves vouchers for salaries or expenses of state officers.
- 43.08.160 Source—[1947 c 32 § 2; Rem. Supp. 1947 § 11019-2.]
- 43.08.170 Source—[1886 p 135 § 7; RRS § 11029.]  
 Repealed and will not be reenacted as obsolete.

Chapter 43.09 State Auditor

The fiscal responsibilities of the state auditor were considerably changed by the state budget and accounting act (1959 c 328 codified as chapter 43.88 RCW). *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 states that “The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject and earlier legislation is necessarily repealed by implication.”

Thus the various sections of this chapter have been edited to reflect these changes.

- 43.09.010 Source—[1890 p 634 § 1; RRS § 10996. Prior: Code 1881 § 2566; 1871 p 96 § 1; 1854 p 409 § 2.]
- 43.09.020 Source—[1890 p 635 § 2; RRS § 10997. Prior: Code 1881 § 2567; 1871 p 97 § 4; 1854 p 409 § 3.]  
 First paragraph changed in light of 43.88.160 (1) of the budget and accounting act which provides in part as follows: “The governor, through his budget director, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be

- properly and systematically accounted for." Explanatory  
The revision is the language of Article 3, section 20 of the note.  
state Constitution.
- 43.09.030 Source—[1909 ex.s. c 22 § 1; RRS § 10998.]
- 43.09.040 Source—[1949 c 62 § 1; 1890 p 635 § 3; Rem. Supp. 1949 § 10999.  
Prior: Code 1881 § 2568.]
- 43.09.050 Source—[1890 p 636 § 5; RRS § 11001. Prior: Code 1881 § 2570;  
1854 p 410 § 5.]  
Subdivisions (2), (3), and (4) deleted as warrant issuing duties  
devolved to state treasurer under the budget and accounting  
act (chapter 43.88 RCW). Subdivision (5) renumbered subdivi-  
sion (2) and retained for exercise of post-audit duties.  
Subdivision (6) deleted as obsolete and no longer followed  
administratively.  
Subdivision (7) renumbered subdivision (3).  
Subdivisions (8) and (9) deleted as these pre-audit duties no  
longer exercised by the state auditor under the budget and  
accounting act (chapter 43.88 RCW).  
Subdivisions (10) and (11) renumbered subdivisions (4) and  
(5).  
Subdivision (12) deleted as this pre-audit duty no longer exer-  
cised under the budget and accounting act (chapter 43.88  
RCW).  
Subdivisions (13) and (14) renumbered subdivisions (6) and  
(7).  
Subdivision (15) deleted as warrant issuing duties devolved  
to state treasurer under budget and accounting act (chapter  
43.88 RCW).  
Subdivision (16) renumbered subdivision (8) and language "all  
drafts and warrants drawn by him, and all copies of" deleted  
as warrant issuing duties devolved to state treasurer under  
the budget and accounting act (chapter 43.88 RCW).  
Subdivision (17) renumbered subdivision (9).
- 43.09.060 Source—[1890 p 635 § 4; RRS § 11000. Prior: Code 1881 § 2569;  
1854 p 409 § 4.]  
Repealed and not reenacted as the official report of the auditor  
to the legislature is now covered by 43.88.160(3) (c).
- 43.09.070 Source—[1890 p 640 § 20; RRS § 11015. Prior: Code 1881 § 2581;  
1854 p 412 § 11.]  
Repealed and not reenacted as this section was held to be  
impliedly repealed by the budget and accounting act in *State  
v. Martin*, 63 Wn. (2d) 126, at page 136.
- 43.09.080 Source—[1890 p 637 § 6; RRS § 11002. Prior: Code 1881 § 2572;  
1871 p 97 § 3.]  
Repealed and not reenacted as the warrant issuing function  
of the state auditor devolved to the state treasurer under the  
budget and accounting act (43.88.210(1)) and the pre-auditing  
of disbursements became an agency responsibility (43.88-  
.160(2)).
- 43.09.090 Source—[1957 c 20 § 1; 1915 c 73 § 1; 1895 c 98 § 1; RRS § 5514.]  
The first portion of this section down to the beginning of  
the first proviso deleted as the warrant issuing duty devolved  
to the state treasurer under the budget and accounting act  
and warrants are issued pursuant to 43.88.160(2).  
"auditor" to "treasurer" as the duty to make advances de-  
volved from the auditor to the treasurer under the budget and  
accounting act.
- 43.09.100 Source—[1890 p 638 § 13; RRS § 11008. Prior: 1883 p 61 § 1.]  
Recodified as 43.08.062 as warrant issuing duties devolved to  
state treasurer.  
See notes to 43.08.062.



- Explanatory note.
- 43.09.110 Source—[1890 p 639 § 15; RRS § 11010. Prior: 1888 p 236 § 1.]  
Recodified as 43.08.064 as warrant issuing duties devolved to state treasurer. See notes to 43.08.064.
- 43.09.120 Source—[1890 p 639 § 16; RRS § 11011. Prior: 1888 p 236 § 2.]  
Recodified as 43.08.066 as warrant issuing duties devolved to state treasurer. See notes to 43.08.066.
- 43.09.130 Source—[1890 p 640 § 17; RRS § 11012. Prior: 1888 p 236 § 3.]  
Recodified as 43.08.068 as warrant issuing duties devolved to state treasurer. See notes to 43.08.068.
- 43.09.140 Source—[1890 p 640 § 18; RRS § 11013. Prior: Code 1881 § 2579; 1854 p 411 § 9.]  
Repealed and not reenacted as "settlement of any account" has application to a pre-audit function that became an agency responsibility under 43.88.160(2) of the budget and accounting act, and the "drawing of any warrant" is a duty that was devolved upon the state treasurer.
- 43.09.150 Source—[1890 p 640 § 19; RRS § 11014. Prior: Code 1881 § 2580; 1854 p 411 § 10.] Repealed and not reenacted. See note to 43.09.140.
- 43.09.160 Source—[1890 p 638 § 12; RRS § 11007. Prior: Code 1881 § 2578; 1854 p 411 § 8.]
- 43.09.170 Source—[1890 p 641 § 23; RRS § 11017. Prior: Code 1881 § 2586.]
- 43.09.180 Source—[1890 p 641 § 24; RRS § 11018. Prior: Code 1881 § 2587.]
- 43.09.190 Source—[(i) 1921 c 7 § 49; RRS § 10807. (ii) 1921 c 7 § 52; RRS § 10810. (iii) 1921 c 7 § 55; RRS § 10813. (iv) 1927 c 280 § 11; 1925 c 18 § 11; RRS § 11101.]  
Section prefaced by subchapter heading "Municipal Corporations."
- 43.09.200 Source—[1909 c 76 § 2; RRS § 9952.]
- 43.09.210 Source—[1909 c 76 § 3; RRS § 9953.]
- 43.09.220 Source—[1909 c 76 § 4; RRS § 9954.]
- 43.09.230 Source—[1909 c 76 § 5; RRS § 9955.]
- 43.09.240 Source—[1963 c 209 § 2; 1911 c 30 § 1; 1909 c 76 § 6; RRS § 9956. Prior: 1890 p 638 § 11; Code 1881 § 2577; 1854 p 411 § 7.]
- 43.09.250 Source—[1963 c 209 § 3; 1919 c 119 § 1; 1911 c 30 § 1; 1909 c 76 § 7; RRS § 9957.]
- 43.09.260 Source—[1909 c 76 § 8; RRS § 9958.]
- 43.09.270 Source—[1963 c 209 § 4; 1911 c 30 § 1; 1909 c 76 § 10; RRS § 9960.]
- 43.09.280 Source—[1963 c 209 § 5; 1911 c 30 § 1; 1909 c 76 § 11; RRS § 9961.]
- 43.09.282 Source—[1963 c 209 § 6.]
- 43.09.290 Source—[1941 c 196 § 1; Rem. Supp. 1941 § 11018-1.]  
Section prefaced by subchapter heading "Departmental Audits".  
"this title" to "RCW 43.09.290 through 43.09.340".
- 43.09.300 Source—[1941 c 196 § 2; Rem. Supp. 1941 § 11018-2.]
- 43.09.310 Source—[1947 c 114 § 1; 1941 c 196 § 3; Rem. Supp. 1947 § 11018-3.]
- 43.09.320 Source—[1941 c 196 § 4; Rem. Supp. 1941 § 11018-4.]
- 43.09.330 Source—[1941 c 196 § 5; Rem. Supp. 1941 § 11018-5.]
- 43.09.340 Source—[1947 c 114 § 2; 1941 c 196 § 6; Rem. Supp. 1947 § 11018-6.]
- 43.09.350 Source—[1921 c 7 § 121; RRS § 10879.]

## Chapter 43.10 Attorney General

- 43.10.010 Source—[1929 c 92 § 1, part; RRS § 11030, part. Prior: 1921 c 119 § 1; 1888 p 7 § 4.]
- 43.10.020 Source—[(i) 1929 c 92 § 1, part; RRS § 11030, part. (ii) 1929 c 92 § 2; RRS § 11031. Prior: 1921 c 119 § 1; 1888 p 7 §§ 4, 5.]
- 43.10.030 Source—[(i) 1929 c 92 § 3; RRS § 112. (ii) 1929 c 92 § 4; RRS § 11032. Prior: 1891 c 55 § 2; 1888 p 8 § 6.]

- "courts" to "supreme court" in subdivision (1) to restore session law language. Explanatory note.
- 43.10.040 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]
- 43.10.050 Source—[1929 c 92 § 6; RRS § 11034. Prior: 1905 c 99 § 1.]
- 43.10.060 Source—[1929 c 92 § 7, part; RRS § 11034-1, part.]  
Former part of section recodified as 43.10.065 to restore session law order.
- 43.10.065 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]  
Formerly 43.10.060, part.
- 43.10.067 Source—[(i) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6.]  
Formerly 43.01.080.  
Last paragraph added to update section to include agencies not in existence at the time of the 1941 enactment and were authorized to employ lawyers by later law.  
"section" to "RCW 43.10.040, and 43.10.065 through 43.10.080".
- 43.10.070 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]
- 43.10.080 Source—[1941 c 50 § 3; Rem. Supp. 1941 § 11034-5.]
- 43.10.090 Source—[1937 c 88 § 1; RRS § 112-1.]
- 43.10.100 Source—[1929 c 92 § 5; RRS § 11033. Prior: 1888 p 8 § 7.]
- 43.10.110 Source—[1929 c 92 § 8; RRS § 11034-2.]  
Formerly uncodified.

#### Chapter 43.12 Commissioner of Public Lands

Sections 43.12.020 through 43.12.150 have been omitted from the reenactment bill as the parent session law chapters for these sections were restored and are codified in Titles 76 and 79. They will be recodified in such titles in their session law order and language upon publication of the 1965 supplement to RCW.

- 43.12.010 Source—[1921 c 7 § 119; RRS § 10877.]  
The 1941 Code Committee paraphrased the language of 1921 c 7 § 119 (a devolution section) to form 43.12.010. As the powers, duties and functions of the commissioner of public lands were transferred to the department of natural resources by 1957 c 38 § 13 (43.30.130), the language has been further generalized.

#### Chapter 43.17 Administrative Departments and Agencies— General Provisions

- 43.17.010 Source—[1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1. Prior: (i) 1937 c 111 § 1; RRS § 10760-2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786-10c.]
- 43.17.020 Source—[1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2. Prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760-2, part. (iii) 1945 c 267 § 1; Rem. Supp. 1945 § 10459-1.]
- 43.17.030 Source—[1921 c 7 § 18; RRS § 10776.]
- 43.17.040 Source—[1921 c 7 § 118; RRS § 10876.]
- 43.17.050 Source—[(i) 1921 c 7 § 20; RRS § 10778. (ii) 1921 c 7 § 134; RRS § 10892.]  
"director of public institutions" to "director of general administration" in last line.
- 43.17.060 Source—[1921 c 7 § 19; RRS § 10777.]
- 43.17.070 Source—[1929 c 115 § 3; 1921 c 7 § 4; RRS § 10762.]  
Reference to "state law library committee" deleted as "state law library committee" was repealed by 1959 c 188 § 6.
- 43.17.080 Source—[1921 c 7 § 14; RRS § 10772.]
- 43.17.090 Source—[1961 c 1 § 31 (Initiative Measure No. 207); 1929 c 68 § 1; 1921 c 7 § 15; RRS § 10773.]
- 43.17.100 Source—[1921 c 7 § 16; RRS § 10774.]

Explanatory  
note.

- 43.17.110 Source—[1921 c 7 § 128; RRS § 10886.]
- 43.17.120 Source—[1955 c 200 § 1.]
- 43.17.130 Source—[1955 c 200 § 2.]

Chapter 43.19 Department of General Administration

- 43.19.010 Source—[1959 c 301 § 1; 1955 c 285 § 4; 1955 c 195 § 6; 1935 c 176 § 11. Prior: 1909 c 38 §§ 1-7; 1907 c 166 §§ 3-5; 1901 c 119 §§ 1-9; RRS § 10786-10.]
  - 43.19.015 Source—[1955 c 285 § 18.]
  - 43.19.020 Source—[1955 c 285 § 5. Prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS § 3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786-11.]
  - 43.19.030 Source—[1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210.]
  - 43.19.040 Source—[1955 c 285 § 6; 1935 c 176 § 17; RRS § 10786-16.]
  - 43.19.050 Source—[1917 c 80 § 4; RRS § 3211.]  
The session law language requiring the supervisor of banking to maintain an office at the state capitol has been restored.
  - 43.19.060 Source—[1919 c 209 § 6; 1917 c 80 § 9; RRS § 3216.]
  - 43.19.070 Source—[1931 c 132 § 3; RRS § 3369a.]
  - 43.19.080 Source—[1917 c 80 § 11; RRS § 3218.]
  - 43.19.090 Source—[1917 c 80 § 13; RRS § 3220.]
  - 43.19.100 Source—[1955 c 285 § 7; 1935 c 176 § 13; RRS § 10786-12.]
  - 43.19.110 Source—[1955 c 285 § 8; 1935 c 176 § 18; RRS § 10786-17.]
  - 43.19.120 Source—[1945 c 235 § 93; Rem. Supp. 1945 § 3717-212.]
  - 43.19.125 Source—[1959 c 301 § 2; 1955 c 285 § 9.]
  - 43.19.180 Source—[1955 c 285 § 10; 1935 c 176 § 16; RRS § 10786-15. Prior: 1921 c 7 § 31; RRS § 10789.]
  - 43.19.190 Source—[1959 c 178 § 1; 1957 c 187 § 1; 1955 c 285 § 12. Prior: (i) 1935 c 176 § 21; RRS § 10786-20. (ii) 1921 c 7 § 42; RRS § 10800. (iii) 1955 c 285 § 12; 1921 c 7 § 37, part; RRS § 10795, part.]
  - 43.19.1902 Source—[1959 c 178 § 2.]  
"Washington State College" to "Washington State University".
  - 43.19.1904 Source—[1959 c 178 § 3.]
  - 43.19.1906 Source—[1959 c 178 § 4.]
  - 43.19.1908 Source—[1959 c 178 § 5.]
  - 43.19.1911 Source—[1959 c 178 § 6.]
  - 43.19.1912 Source—[1959 c 178 § 7.]
  - 43.19.1915 Source—[1959 c 178 § 8.]
  - 43.19.1917 Source—[1959 c 178 § 9.]
  - 43.19.1919 Source—[1959 c 178 § 10.]
  - 43.19.1921 Source—[1959 c 178 § 11.]
  - 43.19.1923 Source—[1959 c 178 § 12.]
  - 43.19.1925 Source—[1959 c 178 § 13.]
  - 43.19.1927 Source—[1959 c 178 § 14.]
  - 43.19.1935 Source—[1959 c 178 § 18.]
  - 43.19.1937 Source—[1959 c 178 § 19.]
  - 43.19.1939 Source—[1959 c 178 § 20.]
  - 43.19.200 Source—[1955 c 285 § 13. Prior: 1921 c 7 § 37, part; RRS § 10795, part.]
  - 43.19.210 Source—[1941 c 196 § 12; Rem. Supp. 1941 § 10795-1.]
  - 43.19.255 } Source—[1953 c 169 § 1.]
  - 43.19.256 } Source—[1953 c 169 § 2.]
- These two sections relate to department of institutions personnel and were not included in the Title 72 reenactment bill. The two sections are herein specifically added to Title 72 and will appear therein as sections 72.01.042 and 72.01.043 as part of the 1965 supplement to RCW.  
"department of public institutions" to "department of institutions".
- 43.19.450 Source—[1959 c 301 § 4.]

| Chapter 43.20 Department of Health—State Board of Health | Explanatory<br>note.   |
|--|--|
| 43.20.010  | Source—[(i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817.]  |
| 43.20.020  | Source—[1921 c 7 § 56, part; RRS § 10814, part.]   |
| 43.20.030  | Source—[1921 c 7 § 56, part; RRS § 10814, part.]   |
| 43.20.040  | Source—[1961 1st ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815.]   |
| 43.20.050  | Source—[(i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]   |
| 43.20.060  | Source—[1915 c 75 § 1; RRS § 6005.]  |
| 43.20.070  | Source—[1907 c 83 § 1; RRS § 6018.]  |
| 43.20.080  | Source—[1961 1st ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034.]   |
| 43.20.090  | Source—[1961 1st ex.s. c 5 § 3; 1953 c 90 § 1; 1951 c 106 § 3; 1945 c 158 § 1; 1937 c 168 § 2; 1915 c 180 § 11; 1907 c 83 § 20; Rem. Supp. 1945 § 6037.]     |
| 43.20.100  | Source—[1891 c 98 § 11; RRS § 6007.]   |
| 43.20.110  | Source—[1923 c 127 § 1; RRS § 10814-1.]  |
| 43.20.120  | Source—[1923 c 127 § 2; RRS § 10814-2.]  |
| 43.20.130  | Source—[1941 c 129 § 1; Rem. Supp. 1941 § 9992-107a. Prior: 1937 c 114 § 7. Formerly RCW 74.12.210.]<br>“the effective date of this act” to “April 1, 1941”. |
| 43.20.140  | Source—[1941 c 129 § 2; Rem. Supp. 1941 § 9992-107b. Formerly RCW 74.12.220.]  |

#### Chapter 43.21 Department of Conservation

|           |   |
|-----------|---|
| 43.21.010 | Source—[1957 c 284 § 1; 1957 c 215 § 21. Prior: (i) 1951 c 57 § 1; 1921 c 7 § 61; 1917 c 117 §§ 5-8; RRS § 10819. (ii) 1951 c 57 § 1; 1945 c 255 § 1; 1945 c 173 § 1; 1937 c 134 §§ 1-3; 1933 ex.s. c 54 § 1; Rem. Supp. 1945 § 10964-8a.]<br>“conservation and development” to “conservation”.<br>“division of forestry” deleted as this division was abolished and its powers and duties were transferred to the department of natural resources by RCW 43.30.070.<br>“division of progress and industry development” deleted as this division was abolished and its powers and duties were transferred to the department of commerce and economic development by RCW 43.31.170.<br>Divisions renumbered accordingly. |
| 43.21.020 | Source—[(i) 1923 c 143 § 4; 1921 c 67 § 6; RRS § 5823. (ii) 1921 c 7 § 62; RRS § 10820.]<br>Section not included for reenactment as the division of forestry was abolished by RCW 43.30.070 and its powers and duties transferred to the department of natural resources. As 1923 c 143 § 4 is amendatory of a special act relating to Olympic peninsula area fire protection and does not have general application, the section is not repealed and will be restored to its session law language and organization in the 1965 supplement to RCW.   |
| 43.21.030 | Source—[(i) 1921 c 64 § 3; RRS § 5811. (ii) 1921 c 7 § 67; RRS § 10825.]<br>Section not included for reenactment as the division of forestry abolished by RCW 43.30.070.  |
| 43.21.040 | Source—[1921 c 7 § 63; RRS § 10821.]<br>“director of conservation and development” to “director of conservation”.   |
| 43.21.050 | Source—[1921 c 7 § 69; RRS § 10827.]<br>“director of conservation and development” to “director of conservation”.   |
| 43.21.060 | Source—[1935 c 142 § 1; RRS § 8614-1.]<br>“director of conservation and development” to “director of conservation”.   |

Explanatory  
note.

- 43.21.070 Source—[1935 c 142 § 2; RRS § 8614-2.]  
“director of conservation and development” to “director of conservation”.  
“department of conservation and development” to “department of conservation”.
- 43.21.080 Source—[1935 c 142 § 3; RRS § 8614-3.]
- 43.21.090 Source—[1935 c 142 § 4; RRS § 8614-4.]
- 43.21.100 Source—[1921 c 7 § 64; RRS § 10822.]  
“director of conservation and development” to “director of conservation”.
- 43.21.110 Source—[1921 c 7 § 70; RRS § 10828.]  
“director of conservation and development” to “director of conservation”.
- 43.21.120 Source—[1951 c 57 § 2; 1921 c 7 § 66; formerly RRS § 10824.]  
“director of conservation and development” to “director of conservation”.
- 43.21.130 Source—[1961 c 19 § 1. Prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358.]
- 43.21.140 Source—[1951 c 57 § 4; 1943 c 30 § 1; formerly Rem. Supp. 1943 § 5505-1.]  
“director of conservation and development” to “director of conservation”.
- 43.21.150 Source—[1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]  
“director of conservation and development” to “director of conservation”.
- 43.21.160 Source—[1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]  
“director of conservation and development” to “director of conservation”.
- 43.21.190 Source—[1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3.]
- 43.21.200 Source—[1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4.]
- 43.21.210 Source—[1921 c 7 § 73; RRS § 10831.]  
“supervisor of hydraulics” to “supervisor of water resources”  
as division of hydraulics eliminated by 1951 c 57 and name  
changed to division of water resources.  
“department of conservation and development” to “department  
of conservation”.
- 43.21.220 Source—[1957 c 284 § 2.]  
“conservation and development” to “conservation”.
- 43.21.230 Source—[1957 c 284 § 3.]  
“conservation and development” to “conservation”.
- 43.21.240 Source—[1957 c 284 § 4.]  
“conservation and development” to “conservation”.
- 43.21.250 Source—[1957 c 275 § 3.]  
“conservation and development” to “conservation”.
- 43.21.260 Source—[1957 c 275 § 4.]  
“conservation and development” to “conservation”.
- 43.21.270 Source—[1957 c 275 § 5.]  
“conservation and development” to “conservation”.
- 43.21.280 Source—[1957 c 275 § 6.]  
“conservation and development” to “conservation”.
- 43.21.290 Source—[1957 c 275 § 7.]  
“conservation and development” to “conservation”.
- 43.21.300 Source—[1957 c 275 § 8.]  
“conservation and development” to “conservation”.
- 43.21.310 Source—[1957 c 275 § 9.]  
“conservation and development” to “conservation”.
- 43.21.320 Source—[1957 c 275 § 10.]  
“conservation and development” to “conservation”.
- 43.21.330 Source—[1957 c 275 § 11.]  
“conservation and development” to “conservation”.
- 43.21.340 Source—[1957 c 275 § 12.]
- 43.21.350 Source—[1957 c 275 § 13.]

- 43.21.360 Source—[1957 c 275 § 14.]      Explanatory  
 “conservation and development” to “conservation”.      note.
- 43.21.370 Source—[1957 c 275 § 15.]  
 “conservation and development” to “conservation”.
- 43.21.380 Source—[1957 c 275 § 16.]
- 43.21.390 Source—[1957 c 275 § 17.]
- 43.21.400 Source—[1957 c 275 § 18.]
- 43.21.410 Source—[1957 c 275 § 19.]  
 “conservation and development” to “conservation”.

**Chapter 43.22 Department of Labor and Industries**

- 43.22.010 Source—[(i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]
- 43.22.020 Source—[1921 c 7 § 75; RRS § 10833.]
- 43.22.030 Source—[1921 c 7 § 78, part; RRS § 10836, part.]
- 43.22.040 Source—[1921 c 7 § 76; RRS § 10834.]
- 43.22.050 Source—[1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]
- 43.22.060 Source—[1953 c 105 § 1. Prior: 1909 c 29 § 14; RRS § 6883.]
- 43.22.070 Source—[1909 c 29 § 15; RRS § 6884.]
- 43.22.080 Source—[1909 c 29 § 16; RRS § 6885.]
- 43.22.090 Source—[1927 c 77 § 1; 1909 c 29 § 17; RRS § 6886.]
- 43.22.100 Source—[1909 c 29 § 18; RRS § 6887.]
- 43.22.110 Source—[1953 c 105 § 2. Prior: 1915 c 169 § 7; 1909 c 29 § 19; RRS § 6888.]
- 43.22.120 Source—[1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part.]
- 43.22.130 Source—[1927 c 306 § 2; 1917 c 36 § 3; RRS § 8638.]
- 43.22.140 Source—[1927 c 306 § 3; 1917 c 36 § 4; RRS § 8639.]
- 43.22.150 Source—[1945 c 262 § 1; Rem. Supp. 1945 § 8661-1.]
- 43.22.160 Source—[1917 c 36 § 5; RRS § 8640.]
- 43.22.170 Source—[1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.]  
 The 1941 Code Committee divided the session law section into 43.22.170 and 43.22.180 and omitted the fourth and fifth paragraphs of the section. The omission of the fourth paragraph appears justified on the grounds that it is temporary in nature. The session law section is herein restored as 43.22.170, and 43.22.180 is decodified.
- 43.22.180 Source—[1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part.]  
 Now codified in RCW 43.22.170.
- 43.22.190 Source—[1947 c 166 § 1; 1927 c 306 § 5; 1919 c 201 § 1; 1917 c 36 § 7; 1897 c 45 § 7; RRS § 8642. Former part of section: 1917 c 36 § 9, part; RRS § 8644, part, now codified in RCW 43.22.210.]  
 The 1941 Code Committee combined a part of 1917 c 36 § 9 with all of 1947 c 166 § 1 to form 43.22.190 and divided the remainder of 1917 c 36 § 9 into 43.22.210, 43.22.220, 43.22.230 and 43.22.240. 1947 c 166 § 1 is herein restored as 43.22.190 and 1917 c 36 § 9 is rejoined and restored as a single section in 43.22.210. “auditor” to “treasurer” as warrant issuing duties have devolved upon state treasurer under the budget and accounting act.
- 43.22.200 Source—[1917 c 36 § 8; RRS § 8643.]
- 43.22.210 Source—[1917 c 36 § 9; RRS § 8644. Formerly 43.22.190, part, 43.22.210 through 43.22.240.]
- 43.22.220 Source—[1917 c 36 § 9, part; RRS § 8644, part.]  
 Now codified in RCW 43.22.210.
- 43.22.230 Source—[1917 c 36 § 9, part; RRS § 8644, part.]  
 Now codified in RCW 43.22.210.
- 43.22.240 Source—[1917 c 36 § 9, part; RRS § 8644, part.]  
 Now codified in RCW 43.22.210.

- Explanatory note.**
- 43.22.250 Source—[1927 c 306 § 6; 1917 c 36 § 10; RRS § 8645.]
- 43.22.260 Source—[1921 c 7 § 77; RRS § 10835.]
- 43.22.270 Source—[1921 c 7 § 81; RRS § 10839.]
- Session law language restored.
- 43.22.280 Source—[1921 c 7 § 82; RRS § 10840.]

The session law section upon which 43.22.280 is based reads as follows:

“Sec. 82. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.”

The 1941 Code Committee rewrote the section to give the committee the name of “industrial welfare committee” and both expanded its powers and duties to all those prescribed by law in relation to fixing of minimum wages of women and minors and restricted its powers and duties to the fixing of such wages. The abolished “industrial welfare commission’s” powers and duties are codified in chapter 49.12 and include powers and duties relating to conditions of labor as well as wages. The rewrite was apparently designed to reconcile the section with 43.22.270(5) which places the administration of laws respecting labor conditions and wages of women and minors with the director of labor and industries.

The last phrase of the section is changed herein to “which shall exercise such powers and perform such duties as prescribed by law” to avoid the restriction of the 1941 Code Committee rewrite.

- 43.22.290 Source—[1901 c 74 § 3; RRS § 7588.]
- 43.22.300 Source—[1901 c 74 § 4; RRS § 7589.]
- 43.22.310 Source—[1901 c 74 § 5; RRS § 7590.]
- 43.22.320 Source—[1921 c 7 § 79; RRS § 10837.]
- 43.22.330 Source—[(i) 1901 c 74 § 2; RRS § 7587. (ii) 1901 c 74 § 7; RRS § 7592.]

#### Chapter 43.23 Department of Agriculture

- 43.23.010 Source—[1951 c 170 § 1; 1921 c 7 § 83; RRS § 10841.]
- 43.23.020 Source—[1921 c 7 § 84; RRS § 10842.]
- 43.23.030 Source—[(i) 1921 c 7 § 90; RRS § 10848. (ii) 1937 c 90 § 10; RRS § 10847-1.]
- 43.23.040 Source—[1921 c 7 § 85; RRS § 10843.]
- 43.23.050 Source—[1921 c 7 § 91; RRS § 10849.]
- 43.23.060 Source—[1921 c 7 § 86; RRS § 10844.]
- 43.23.070 Source—[1943 c 56 § 1; 1921 c 7 § 92; Rem. Supp. 1943 § 10850.]
- 43.23.080 Source—[1921 c 7 § 87; RRS § 10845.]
- 43.23.090 Source—[1921 c 7 § 93; RRS § 10851.]
- 43.23.100 Source—[1921 c 7 § 88; RRS § 10846.]
- 43.23.110 Source—[1921 c 7 § 94; RRS § 10852.]
- 43.23.120 Source—[(i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]
- 43.23.130 Source—[(i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]
- 43.23.140 Source—[1913 c 60 § 10; RRS § 2728.]
- 43.23.150 Source—[1951 c 170 § 2.]
- 43.23.160 Source—[1951 c 170 § 3.]

## Chapter 43.24 Department of Licenses

Explanatory  
note.

- 43.24.010 Source—[1921 c 7 § 95; RRS § 10853.]  
 43.24.020 Source—[(i) 1921 c 7 § 96; RRS § 10854. (ii) 1921 c 7 § 104; RRS § 10862. (iii) 1929 c 133 § 1; RRS § 5852-24.]  
 43.24.030 Source—[1921 c 7 § 98; RRS § 10856.]  
 43.24.040 Source—[1921 c 7 § 97; RRS § 10855.]  
 43.24.050 Source—[1921 c 7 § 105; RRS § 10863.]  
 43.24.060 Source—[1921 c 7 § 99; RRS § 10857.]  
 43.24.070 Source—[1921 c 7 § 100; RRS § 10858.]  
 43.24.080 Source—[1921 c 7 § 101; RRS § 10859.]  
 43.24.090 Source—[1947 c 143 § 1; Rem. Supp. 1947 § 8265-20.]  
 43.24.100 Source—[1921 c 7 § 102; RRS § 10860.]  
 43.24.110 Source—[1921 c 7 § 103; RRS § 10861.]  
 43.24.120 Source—[1921 c 7 § 106; RRS § 10864.]  
 43.24.130 Source—[1945 c 112 § 1; 1943 c 108 § 1; RRS § 10864-1.]

## Chapter 43.25 Department of Fisheries

**Note:** The sections set forth in this chapter deal with the administration, enforcement, and personnel of the department of fisheries. As the other sections relating to this subject matter are codified in Title 75 and were reenacted in 1955, these sections are included in the reenactment bill and are specifically added to Title 75 and chapter 12, Laws of 1955.

- 43.25.010 Source—[1953 c 207 § 10. Prior: (i) 1933 c 3 § 5; 1921 c 7 § 116; RRS § 10874. (ii) 1949 c 112 § 3, part; Rem. Supp. 1949 § 5780-201, part. (iii) 1949 c 112 § 5; Rem. Supp. 1949 § 5780-204.]  
 “appoint” to “appointment”.  
 43.25.020 Source—[1949 c 112 § 3, part; Rem. Supp. 1949 § 5780-201, part.]  
 43.25.030 Source—[1949 c 112 § 4; Rem. Supp. 1949 § 5780-203.]  
 The internal reference “RCW 50.12.030” to “41.06.030” as 50.12-.030 was repealed by 1961 c 1 § 33.  
 “except the assistant director” to “except the confidential secretary of the director” as only the director and his confidential secretary are exempted from the merit system under 41.06-.070(7).  
 43.25.040 Source—[1949 c 112 § 11; Rem. Supp. 1949 § 5780-210.]  
 43.25.045 Source—[1953 c 207 § 13.]  
 “the state of Washington department of fisheries fund” referred to in the last line no longer exists. This language changed to “funds appropriated to the department of fisheries”.  
 43.25.047 Source—[1953 c 207 § 14.]  
 43.25.048 Source—[1957 c 216 § 1.]  
 43.25.060 Source—[1949 c 112 § 9; Rem. Supp. 1949 § 5780-208.]  
 43.25.070 Source—[1949 c 112 § 24; Rem. Supp. 1949 § 5780-222.]

## Chapter 43.26 Department of Game

- 43.26.010 Source—[1947 c 275 § 2. Prior: 1921 c 7 § 115; Rem. Supp. 1947 § 5992-12.]  
 The subject matter of this section is codified as 77.04.020. The session law source was repealed by 1955 c 36 § 77.98.040. The chapter will be retained for cross-reference purposes only.

## Chapter 43.28 Department of Institutions

- 43.28.020 Source—[1959 c 301 § 3; 1955 c 195 § 4. Prior: (i) 1915 c 107 § 1, part; 1907 c 166 § 2, part; 1901 c 119 § 3, part; RRS § 10899, part. (ii) 1919 c 50 § 2; RRS § 10952. (iii) 1921 c 7 § 44; RRS § 10802. (iv) 1921 c 7 § 36, part; RRS § 10794, part. (v) 1923 c 101 § 1; 1921 c 7 § 40; RRS § 10798. (vi) 1921 c 7 § 39; RRS § 10797.]  
 At the time Title 72 was reviewed, the various subdivisions of the section were placed in the Title 72 1959 reenactment bill



Explanatory  
note.

as sections of chapter 72.01, and 43.28.020 together with its session law sources was repealed. Later in the 1959 session 1955 c 195 § 4 (43.28.020) was amended to eliminate subdivisions (3), (4), (5) and (6) dealing with architectural and building duties for institutions as these were covered under the same act. Due to the technicality that the reenactment bill had switched the subject matter of subdivisions (3), (4), (5) and (6) to 72.01.100, the later section did not receive the 1959 amendment treatment. For this reason the section is not included in the reenactment bill and is not repealed.

Chapter 43.30 Department of Natural Resources

- 43.30.010 Source—[1957 c 38 § 1.]
- 43.30.020 Source—[1957 c 38 § 2.]
- 43.30.030 Source—[1957 c 38 § 3.]
- 43.30.040 Source—[1957 c 38 § 4.]  
"State College of Washington" to "Washington State University".
- 43.30.050 Source—[1957 c 38 § 5.]
- 43.30.060 Source—[1957 c 38 § 6.]
- 43.30.070 Source—[1957 c 38 § 7.]
- 43.30.080 Source—[1957 c 38 § 8.]  
"43.21.020 and 43.21.030" deleted as division of forestry abolished by 43.30.070.
- 43.30.090 Source—[1957 c 38 § 9.]
- 43.30.100 Source—[1957 c 38 § 10.]
- 43.30.110 Source—[1957 c 38 § 11.]
- 43.30.120 Source—[1957 c 38 § 12.]
- 43.30.130 Source—[1957 c 38 § 13.]
- 43.30.140 Source—[1957 c 38 § 14.]  
"79.52.010" to "79.56.010".
- 43.30.150 Source—[1957 c 38 § 15.]
- 43.30.160 Source—[1957 c 38 § 16.]
- 43.30.170 Source—[1957 c 38 § 17.]
- 43.30.180 Source—[1957 c 38 § 18.]
- 43.30.190 Source—[1957 c 38 § 19.]
- 43.30.200 Source—[1957 c 38 § 20.]
- 43.30.210 Source—[1957 c 38 § 21.]
- 43.30.220 Source—[1957 c 38 § 22.]  
"act" to "chapter".
- 43.30.230 Source—[1957 c 38 § 23.]
- 43.30.240 Source—[1957 c 38 § 24.]
- 43.30.250 Source—[1957 c 38 § 25.]
- 43.30.260 Source—[1957 c 38 § 26.]
- 43.30.270 Source—[1957 c 38 § 27.]
- 43.30.280 Source—[1963 c 141 § 1.]
- 43.30.290 Source—[1963 c 141 § 2.]
- 43.30.900 Source—[1957 c 38 § 28.]  
Deleted as covered by general severability clause to reenactment bill.

Chapter 43.31 Department of Commerce and Economic Development

- 43.31.010 Source—[1957 c 215 § 1.]
- 43.31.020 Source—[1957 c 215 § 2.]
- 43.31.030 Source—[1961 c 307 § 6; 1957 c 215 § 3.]
- 43.31.040 Source—[1957 c 215 § 4.]
- 43.31.050 Source—[1957 c 215 § 5.]
- 43.31.060 Source—[1957 c 215 § 6.]
- 43.31.070 Source—[1957 c 215 § 7.]
- 43.31.080 Source—[1957 c 215 § 8.]
- 43.31.090 Source—[1959 c 228 § 1; 1957 c 215 § 9.]
- 43.31.100 Source—[1957 c 215 § 10.]

|           |                           |                      |
|-----------|---------------------------|----------------------|
| 43.31.110 | Source—[1957 c 215 § 11.] | Explanatory<br>note. |
| 43.31.120 | Source—[1957 c 215 § 12.] |                      |
| 43.31.130 | Source—[1957 c 215 § 13.] |                      |
| 43.31.140 | Source—[1957 c 215 § 14.] |                      |
| 43.31.150 | Source—[1957 c 215 § 15.] |                      |
| 43.31.160 | Source—[1957 c 215 § 16.] |                      |
| 43.31.170 | Source—[1957 c 215 § 17.] |                      |
| 43.31.180 | Source—[1957 c 215 § 18.] |                      |
| 43.31.200 | Source—[1963 c 161 § 1.]  |                      |
| 43.31.210 | Source—[1963 c 161 § 2.]  |                      |
| 43.31.220 | Source—[1963 c 161 § 3.]  |                      |
| 43.31.230 | Source—[1963 c 161 § 4.]  |                      |

—Provisions Relating to World Fair—

|           |  |
|-----------|--|
| 43.31.500 | Source—[1961 c 152 § 1; 1957 c 174 § 1.]   |
| 43.31.510 | Source—[1961 c 152 § 2; 1957 c 174 § 2.]   |
| 43.31.520 | Source—[1961 c 152 § 3; 1957 c 174 § 3.]   |
| 43.31.525 | Source—[1961 c 152 § 4; 1959 c 310 § 1.]   |
| 43.31.530 | Source—[1957 c 174 § 4.]   |
| 43.31.540 | Source—[1957 c 174 § 5.]   |
| 43.31.550 | Source—[1957 c 174 § 6.]   |
| 43.31.560 | Source—[1957 c 174 § 7.]   |
| 43.31.570 | Source—[1957 c 174 § 8.]   |
| 43.31.580 | Source—[1957 c 174 § 9.]   |
| 43.31.590 | Source—[1957 c 174 § 10.]  |
|           | “RCW 23.28.240” to “RCW 23.60.200” as this section has been repositioned and renumbered “RCW 23.60.200”. |
| 43.31.600 | Source—[1957 c 174 § 11.]  |
| 43.31.610 | Source—[1957 c 174 § 12.]  |
| 43.31.620 | Source—[1963 1st ex.s. c 12 § 8; 1957 c 174 § 13.]   |
| 43.31.630 | Source—[1957 c 174 § 14.]  |
| 43.31.640 | Source—[1957 c 174 § 15.]  |
|           | “RCW 23.28.240” to “RCW 23.60.200” as this section has been repositioned and renumbered “RCW 23.60.200”. |
| 43.31.650 | Source—[1957 c 174 § 16.]  |
|           | Deleted as covered by general severability clause to reenactment bill.                                   |
| 43.31.660 | Source—[1961 c 152 § 6.]   |
| 43.31.670 | Source—[1961 c 152 § 7.]   |
| 43.31.680 | Source—[1961 c 152 § 8.]   |
| 43.31.690 | Source—[1961 c 152 § 9.]   |
| 43.31.700 | Source—[1961 c 152 § 10.]  |
| 43.31.710 | Source—[1961 c 152 § 11.]  |
| 43.31.720 | Source—[1961 c 152 § 12.]  |
| 43.31.730 | Source—[1961 c 152 § 13.]  |
| 43.31.740 | Source—[1963 1st ex.s. c 12 § 9; 1961 c 152 § 14.]   |
| 43.31.750 | Source—[1961 c 152 § 15.]  |
| 43.31.760 | Source—[1961 c 152 § 16.]  |
| 43.31.770 | Source—[1961 c 152 § 17.]  |
| 43.31.780 | Source—[1961 c 127 § 1.]   |
|           | This section is temporary and is not included in the reenactment bill and is not repealed.               |

Chapter 43.32 Design Standards Committee

|           |   |
|-----------|---|
| 43.32.010 | Source—[1949 c 165 § 2; RRS § 6450-8i.] |
| 43.32.020 | Source—[1949 c 165 § 3; RRS § 6450-8j.] |

Chapter 43.33 Finance Committee

|           |   |
|-----------|---|
| 43.33.010 | Source—[1961 c 300 § 2; 1921 c 7 § 6, part; RRS § 10764, part.] |
| 43.33.020 | Source—[1961 c 300 § 3; 1921 c 7 § 6, part; RRS § 10764, part.] |
| 43.33.025 | Source—[1959 c 91 § 3.]   |
| 43.33.030 | Source—[1961 c 300 § 4; 1907 c 12 § 2; RRS § 5537.]             |
| 43.33.040 | Source—[1907 c 12 § 3; RRS § 5538.]                             |

Explanatory  
note.

## Chapter 43.34 Capitol Committee

- 43.34.010 Source—[1961 c 300 § 5; 1921 c 7 § 8; RRS § 10766.]
- 43.34.015 Source—[1959 c 257 § 45; 1909 c 69 § 1; RRS § 7897. Formerly 79.24.080.]  
This section relates to the secretary and records of the committee and is recodified here which is more logical.
- 43.34.020 Source—[1911 c 59 § 10, part; 1909 c 69 § 5, part; RRS § 7901, part.]  
The subject matter of this section was completely covered by 79.24.060 upon restoration of its session law source in Title 79. For this reason the section is not included in the reenactment bill and is not repealed.
- 43.34.030 Source—[1917 c 167 § 5; RRS § 7915.]  
The powers and duties of the state capitol committee set forth in this section appear to have devolved upon the director of general administration, see 43.19.125 which places these powers and duties with the division of engineering and architecture of the department of general administration. See also 43.82.010 which gives the department of general administration authority over state agency housing.  
The session law source for this section is a part of a 1917 bond issue authorization, the other provisions of which were not codified for the apparent reason that the bonds issued have been retired. For this reason the section is not included in the reenactment bill and is not repealed.
- 43.34.040 Source—[1933 ex.s. c 34 § 1; RRS § 7915-1.]
- 43.34.050 Source—[1915 c 191 § 5; RRS § 7918.]  
This section is part of a seven-section 1915 bond issue authorization act, the other sections of which have not been codified for the reasons that the first three sections were repealed in 1917, the fourth is an appropriation section and the sixth and seventh are obsolete. For this reason the section may be construed as being limited in application to this bond authorization act and is not included in the reenactment bill and is not repealed.
- 43.34.060 Source—[1923 c 12 § 1; RRS § 7921-1.]  
As to moneys received from sales of land this section appears to be covered by 79.24.085. The section is not included in the reenactment bill and will be recodified following 79.24.085 upon publication of the 1965 supplement to RCW.  
The reference to "capitol building fund" changed to "capitol building construction account".

## Chapter 43.35 Voting Machine Committee

- 43.35.010 Source—[1921 c 7 § 11, part; RRS § 10769, part.]  
This section not included in the reenactment bill and not repealed as it is codified in its entirety at 29.33.030.

## Chapter 43.37 Weather Modification Board

- 43.37.010 Source—[1957 c 245 § 1.]
- 43.37.020 Source—[1961 c 154 § 1; 1957 c 245 § 2.]
- 43.37.030 Source—[1957 c 245 § 3.]
- 43.37.040 Source—[1957 c 245 § 4.]
- 43.37.050 Source—[1957 c 245 § 5.]
- 43.37.060 Source—[1957 c 245 § 6.]
- 43.37.070 Source—[1957 c 245 § 7.]  
"director of conservation and development" to "director of conservation" in three places.
- 43.37.080 Source—[1957 c 245 § 8.]
- 43.37.090 Source—[1957 c 245 § 9.]
- 43.37.100 Source—[1957 c 245 § 10.]
- 43.37.110 Source—[1961 c 154 § 2; 1957 c 245 § 11.]

- 43.37.120 Source—[1961 c 154 § 3; 1957 c 245 § 12.] Explanatory  
 43.37.130 Source—[1957 c 245 § 13.] note.  
 43.37.140 Source—[1961 c 154 § 4; 1957 c 245 § 14.]  
 43.37.150 Source—[1957 c 245 § 15.]  
 43.37.160 Source—[1957 c 245 § 16.]  
 43.37.170 Source—[1957 c 245 § 17.]  
 43.37.180 Source—[1957 c 245 § 18.]  
 43.37.190 Source—[1957 c 245 § 19.]  
 43.37.200 Source—[1957 c 245 § 20.]

## Chapter 43.38 Tax Advisory Council

- 43.38.010 Source—[1957 c 291 § 1.]  
 43.38.020 Source—[1957 c 291 § 2.]  
 43.38.030 Source—[1957 c 291 § 3.]  
 43.38.040 Source—[1957 c 291 § 4.]  
 43.38.050 Source—[1957 c 291 § 5.]

## Chapter 43.41 Director of Budget

- 43.41.010 Source—[1961 c 307 § 3; 1955 c 340 § 3. Prior: (i) 1947 c 114 § 3; RRS § 10786-10a. (ii) 1935 c 176 § 14; RRS § 10786-13. (iii) 1941 c 196 § 7; RRS § 11018-7.]  
 43.41.020 Source—[1961 c 1 § 32 (Initiative Measure No. 207). Prior: (i) 1947 c 114 § 4; RRS § 10786-10b. (ii) 1935 c 176 § 19; RRS § 10786-18. (iii) 1921 c 7 § 47; RRS § 10805.]

The "state budget law" (chapter 43.86) referred to in subdivision (1) was repealed (except for three sections) by the budget and accounting act (1959 c 328; chapter 43.88) which set forth the fiscal responsibilities of the budget director. Thus "state budget law" changed to "state budget and accounting system".

The "preauditing of state departments" is now carried out as an agency fiscal responsibility under the budget and accounting act (see 43.88.160(2) (d)). Thus this language eliminated. The "approval of purchases of materials and supplies by state departments" and the "approval of public printing bills" is a pre-audit function which is an agency responsibility under the budget and accounting act (see 43.88.160(2) (d)). Thus this language eliminated.

## Chapter 43.43 Washington State Patrol

- 43.43.010 Source—[1933 c 25 § 1; RRS § 6362-59.]  
 43.43.020 Source—[1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]  
 43.43.030 Source—[1933 c 25 § 2; RRS § 6362-60.]  
 43.43.040 Source—[1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]  
 43.43.050 Source—[1943 c 205 § 1; Rem. Supp. 1943 § 6362-66.]  
 43.43.060 Source—[1943 c 205 § 2; Rem. Supp. 1943 § 6362-67.]  
 43.43.070 Source—[1943 c 205 § 3; Rem. Supp. 1943 § 6362-68.]  
 43.43.080 Source—[1943 c 205 § 4; Rem. Supp. 1943 § 6362-69.]  
 43.43.090 Source—[1943 c 205 § 5; Rem. Supp. 1943 § 6362-70.]  
 43.43.100 Source—[1943 c 205 § 6; Rem. Supp. 1943 § 6362-71.]  
 43.43.110 Source—[1943 c 205 § 7; Rem. Supp. 1943 § 6362-72.]  
 43.43.120 Source—[1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362-81.]  
 43.43.130 Source—[1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]  
 43.43.135 Source—[1951 c 140 § 10.]  
 43.43.140 Source—[1961 c 300 § 6; 1957 c 162 § 1; 1947 c 250 § 3; Rem. Supp. 1947 § 6362-83.]  
 43.43.150 Source—[1947 c 250 § 4; Rem. Supp. 1947 § 6362-84.]  
 43.43.160 Source—[1947 c 250 § 5; Rem. Supp. 1947 § 6362-85.]  
 43.43.165 Source—[1955 c 244 § 4.]  
 43.43.170 Source—[1955 c 222 § 1; 1947 c 250 § 6; Rem. Supp. 1947 § 6362-86.]

Explanatory  
note.

- 43.43.175 Source—[1955 c 222 § 2.]
- 43.43.180 Source—[1947 c 250 § 7; Rem. Supp. 1947 § 6362-87.]
- 43.43.190 Source—[1947 c 250 § 8; Rem. Supp. 1947 § 6362-88.]
- 43.43.200 Source—[1947 c 250 § 9; Rem. Supp. 1947 § 6362-89.]
- 43.43.210 Source—[1947 c 250 § 10; Rem. Supp. 1947 § 6362-90.]
- 43.43.220 Source—[1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]
- 43.43.230 Source—[1953 c 262 § 3; 1947 c 250 § 12; Rem. Supp. 1947 § 6362-92.]
- 43.43.240 Source—[1947 c 250 § 13; Rem. Supp. 1947 § 6362-93.]
- 43.43.250 Source—[1963 c 175 § 1; 1957 c 162 § 3; 1951 c 140 § 4; 1947 c 250 § 14; Rem. Supp. 1947 § 6362-94.]  
“effective date of this act” to “June 13, 1963” as the phrase “effective date of this act” used in subdivision (3) first appeared in 1963 c 175 § 1, the effective date of which is June 13, 1963.
- 43.43.260 Source—[1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]
- 43.43.265 Source—[1959 c 8 § 1; 1955 c 244 § 5.]  
Prior to the 1958 amendment to Article 2, section 5 of the state Constitution which allows increases in pensions after the pensions have been granted, the section would probably have been declared unconstitutional. The 1959 act was passed after the constitutional amendment to reenact the 1955 language and to make it retroactive. This is similar to the legislative treatment given to police pensions. In construing the police pension statutes, our court in *Luders v. Spokane*, 57 Wn. (2d) 162, 356 p. (2d) 331 held that the later act did not validate the earlier invalid statute but was an independent act which had a retroactive effect. Thus it would appear that the choice of an effective date is a judicial question. After “the effective date of this act”, “(1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955)” inserted as the phrase “the effective date of this act” first appeared in 1955 c 244 and was reenacted in 1959 c 8. The effective date of 1955 c 244 was June 8, 1955 and the effective date of 1959 c 8 was January 29, 1959.
- 43.43.266 Source—[1959 c 8 § 2.]  
“(1959 c 8)” inserted after “this act” in two places.
- 43.43.270 Source—[1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]
- 43.43.280 Source—[1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6362-97.]
- 43.43.290 Source—[1947 c 250 § 18; Rem. Supp. 1947 § 6362-98.]
- 43.43.300 Source—[1963 c 175 § 4; 1961 c 93 § 4; 1955 c 244 § 3; 1951 c 140 § 9; 1947 c 250 § 19; Rem. Supp. 1947 § 6362-99.]
- 43.43.310 Source—[1951 c 140 § 8; 1947 c 250 § 20; Rem. Supp. 1947 § 6362-100.]
- 43.43.320 Source—[1947 c 250 § 21; Rem. Supp. 1947 § 6362-101.]
- 43.43.330 Source—[1959 c 115 § 1; 1949 c 192 § 2; Rem. Supp. 1949 § 6362-61a.]
- 43.43.340 Source—[1949 c 192 § 3; Rem. Supp. 1949 § 6362-61b.]
- 43.43.350 Source—[1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]
- 43.43.360 Source—[1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]
- 43.43.370 Source—[1949 c 192 § 5; Rem. Supp. 1949 § 6362-61d.]
- 43.43.380 Source—[1949 c 192 § 6; Rem. Supp. 1949 § 6362-61e.]

## Chapter 43.46 Arts Commission

- 43.46.010 Source—[1961 c 301 § 1.]
- 43.46.020 Source—[1961 c 301 § 2.]
- 43.46.030 Source—[1961 c 301 § 3.]
- 43.46.040 Source—[1961 c 301 § 4.]

- 43.46.050 Source—[1961 c 301 § 5.]  
 43.46.060 Source—[1961 c 301 § 6.]  
 43.46.070 Source—[1961 c 301 § 7.]  
 43.46.080 Source—[1961 c 301 § 9.]

Explanatory  
note.

#### Chapter 43.48 Athletic Commission

**Note:** The sections comprising this chapter relate to the creation, organization, surety bonds, and expenses of the state athletic commission. As the powers and duties of the commission are set forth in chapter 67.08 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 67.08 upon publication of the 1965 supplement to RCW.

#### Chapter 43.49 Columbia Basin Commission

- 43.49.010 Source—[1943 c 283 § 1; 1933 c 81 § 1; RRS § 3017-1.]  
 “director of conservation and development” to “director of conservation”.  
 43.49.020 Source—[1943 c 283 § 2; RRS § 3017-1a.]  
 “director of conservation and development” to “director of conservation”.  
 43.49.030 Source—[1943 c 283 § 3; 1935 c 132 § 1; 1933 c 81 § 2; RRS § 3017-2.]  
 43.49.040 Source—[1943 c 283 § 4; RRS § 3017-2a.]  
 43.49.050 Source—[1943 c 283 § 5; RRS § 3017-2b.]  
 43.49.060 Source—[1943 c 283 § 6; 1933 c 81 § 3; RRS § 3017-3.]  
 43.49.070 Source—[1943 c 283 § 7; 1933 c 81 § 4; RRS § 3017-4.]

#### Chapter 43.50 Horse Racing Commission

**Note:** The sections comprising this chapter relate to the creation and organization of the Washington horse racing commission. As the powers and duties of the commission are set forth in chapter 67.16 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 67.16 upon publication of the 1965 supplement to RCW.

#### Chapter 43.51 Parks and Recreation Commission

- 43.51.010 Source—[1947 c 271 § 2; RRS § 10768-1.]  
 43.51.020 Source—[1947 c 271 § 1; 1945 c 36 § 1; 1921 c 7 § 10; RRS § 10768.]  
 43.51.030 Source—[1947 c 271 § 3; RRS § 10768-2.]  
 43.51.040 Source—[1959 c 317 § 1; 1955 c 391 § 1; 1929 c 148 § 1; 1923 c 157 § 1; 1921 c 149 § 2; RRS § 10942.]  
 43.51.050 Source—[1955 c 391 § 2; 1947 c 271 § 4; RRS § 10768-3.]  
 43.51.060 Source—[1961 c 307 § 12; 1955 c 391 § 3; 1947 c 271 § 5; RRS § 10768-4.]  
 “state parks and parkway fund” to “state parks and parkways account” as fund abolished by 43.79.331 and moneys transferred to “state parks and parkways account” created by 43.79.330.  
 43.51.062 Source—[1953 c 39 § 1.]  
 The validating and construction sections appearing in the footnote will not be presented for reenactment and will not be repealed.  
 43.51.070 Source—[1913 c 113 § 2; RRS § 10940.]  
 43.51.080 Source—[1925 ex.s. c 92 § 1; RRS § 10942-1.]  
 The session law section contained a proviso at the end of the section reading as follows: “Provided, That nothing in this act shall in any manner abridge the full effect of any existing powers, heretofore granted to the state parks committee”. This proviso is restored with the addition of “[1925 ex.s. c 92]” following “this act” by way of explanation and the change of “state parks committee” to “state parks and recreation commission”.

Explanatory  
note.

- 43.51.090 Source—[1923 c 157 § 2; 1921 c 149 § 3; RRS § 10943.]  
“state parks and parkways fund” to “state parks and parkways account” as fund abolished by 43.79.331 and moneys transferred to state parks and parkways account created by 43.79.330.
- 43.51.100 Source—[1921 c 149 § 4; RRS § 10944.]
- 43.51.110 Source—[1921 c 149 § 5; RRS § 10945.]
- 43.51.120 Source—[1921 c 149 § 6; RRS § 10946.]
- 43.51.130 Source—[1929 c 83 § 1; RRS § 10946-1.]
- 43.51.140 Source—[1929 c 83 § 2; RRS § 10946-2.]
- 43.51.150 Source—[1929 c 83 § 3; RRS § 10946-3.]
- 43.51.160 Source—[1929 c 83 § 4; RRS § 10946-4.]
- 43.51.170 Source—[1921 c 149 § 7; RRS § 10947.]
- 43.51.180 Source—[1921 c 149 § 8; RRS § 10948.]
- 43.51.210 Source—[1953 c 64 § 1; 1947 c 261 § 1; RRS § 10951a.]  
“state land board” to “department of natural resources” as board of state land commissioners was abolished and its powers and duties transferred to the department of natural resources by 43.30.070.  
“parks and parkways fund” to “parks and parkways account”.
- 43.51.220 Source—[1949 c 154 § 1; RRS § 10768-4d.]
- 43.51.230 Source—[1959 c 215 § 1.]
- 43.51.500 Source—[1961 c 215 § 1.]
- 43.51.510 Source—[1961 c 215 § 2.]
- 43.51.520 Source—[1961 c 215 § 3.]
- 43.51.530 Source—[1961 c 215 § 4.]
- 43.51.540 Source—[1961 c 215 § 5.]
- 43.51.550 Source—[1961 c 215 § 6.]
- 43.51.560 Source—[1961 c 215 § 7.]
- 43.51.570 Source—[1961 c 215 § 8.]

Chapter 43.52 Operating Agencies (Power Commission)

Note: (1) Sections 43.52.001 through 43.52.240 comprised chapter 43.52 RCW which was repealed by 1953 c 281 § 22. Subsequent to this repeal RCW 43.52.050 was amended by 1955 c 340 § 6 to raise the salary of power commission members and RCW 43.52.040 was reenacted as it was a part of the session law section source for 43.52.050. The 1955 amending act was a general act creating the governor's advisory salary committee and amending several acts relating to salaries of various agencies. The amendment of 43.52.050 appears to have been due to oversight. The state power commission was recreated by 1953 c 281 and was subsequently abolished by 1957 c 295 § 8. For this reason RCW 43.52.040 and 43.52.050 are repealed without reenactment.

(2) The state power commission referred to throughout this chapter was recreated by 1953 c 281 § 2 and was abolished by 1957 c 295 § 8. Section 5 of 1957 c 295 devolved powers and duties of the commission upon joint operating agencies as follows: “In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.” Chapter 295 of the Laws of 1957 also repealed certain powers and duties of the abolished commission but retained other sections without change. The definition of “commission” in 43.52.250 has been changed by deleting the words “created hereunder” to preserve the statutory time sequence of its creation and abolishment.

- 43.52.250 Source—[1953 c 281 § 1.]  
Definition of “‘Commission’ means the Washington state power commission created hereunder” to “‘Commission’ means the Washington state power commission.”
- 43.52.260 Source—[1955 c 258 § 18; 1953 c 281 § 20.]

- 43.52.272 Source—[1957 c 295 § 8.]
- 43.52.290 Source—[1953 c 281 § 4.]
- 43.52.300 Source—[1955 c 258 § 1; 1953 c 281 § 5.]
- 43.52.340 Source—[1955 c 258 § 5; 1953 c 281 § 9.]
- 43.52.3411 Source—[1957 c 295 § 6.]
- 43.52.343 Source—[1957 c 295 § 7; 1955 c 258 § 10.]
- 43.52.350 Source—[1953 c 281 § 11.]
- 43.52.360 Source—[1957 c 295 § 1; 1955 c 258 § 3; 1953 c 281 § 12.]  
“director of conservation and development” to “director of conservation”.
- 43.52.370 Source—[1957 c 295 § 2; 1953 c 281 § 13.]
- 43.52.373 Source—[1957 c 295 § 3.]
- 43.52.375 Source—[1957 c 295 § 4.]
- 43.52.380 Source—[1953 c 281 § 14.]
- 43.52.391 Source—[1957 c 295 § 5.]
- 43.52.410 Source—[1953 c 281 § 17.]
- 43.52.430 Source—[1953 c 281 § 19.]  
“director of conservation and development” to “director of conservation”.
- 43.52.440 Source—[1953 c 281 § 23.]
- 43.52.450 Source—[1953 c 281 § 10.]  
“public service commission” to “utilities and transportation commission”.
- 43.52.460 Source—[1957 c 295 § 10.]
- 43.52.470 Source—[1957 c 295 § 11.]  
In last sentence after “heretofore” and before “attempted” inserted “(March 26, 1957)” to make application of validation clause applicable to effective date of 1957 c 295.
- 43.52.900 Source—[1955 c 258 § 20.]  
Severability clause not included in reenactment bill as covered by general severability clause in general construction sections.
- 43.52.910 Source—[1957 c 295 § 12.]  
Severability portion not included in reenactment bill as covered by general severability clause in general construction sections.  
Last sentence retained.

#### Chapter 43.56 Uniform Legislation Commission

- 43.56.010 Source—[1905 c 59 § 1; RRS § 8204.]
- 43.56.020 Source—[1905 c 59 § 2; RRS § 8205.]
- 43.56.030 Source—[1905 c 59 § 3; RRS § 8206.]
- 43.56.040 Source—[1955 c 91 § 1; 1905 c 59 § 4; RRS § 8207.]  
The requirement that the state auditor preaudit the expense accounts of board members has been superseded by the budget and accounting act (chapter 43.88) which makes this duty a responsibility of the agency making the expenditures. See 43.88.160(2) (d). For this reason “and the state auditor” is deleted at the end of the first paragraph.

#### Chapter 43.57 Interstate Compact Commission

- 43.57.010 Source—[1953 c 130 § 1; 1951 c 113 § 1.]
- 43.57.020 Source—[1953 c 130 § 2; 1951 c 113 § 2.]
- 43.57.030 Source—[1951 c 113 § 3.]

#### Chapter 43.58 Washington-Oregon Boundary Commission

- 43.58.010 Source—[1955 ex.s. c 6 § 1; 1937 c 27 § 1; RRS § 10939-5.]  
This section and 43.58.020, 43.58.030 and 43.58.040 were provisionally repealed by 43.58.090 upon ratification of the compact by Oregon and Congress. This has been accomplished. For this reason the sections are not included in the reenactment bill but are not repealed. These sections will be footnoted upon publication of the 1965 supplement to RCW.



- Explanatory note.
- 43.58.020 Source—[1955 ex.s. c 6 § 2; 1937 c 27 § 2; RRS § 10939-6.]  
Not included in reenactment bill, see comment to 43.58.010.
- 43.58.030 Source—[1937 c 27 § 3; RRS § 10939-7.]  
Not included in reenactment bill, see comment to 43.58.010.
- 43.58.040 Source—[1937 c 27 § 4; RRS § 10939-8.]  
Not included in reenactment bill, see comment to 43.58.010.]
- 43.58.050 Source—[1957 c 90 § 1.]
- 43.58.060 Source—[1957 c 90 § 2.]
- 43.58.070 Source—[1957 c 90 § 3.]
- 43.58.080 Source—[1957 c 90 § 4.]  
This section has been accomplished as the compact has been approved and ratified (see reviser's note following 43.58.050). The section is not included in the reenactment bill, but is not repealed. It will be footnoted upon publication of the 1965 supplement to RCW.
- 43.58.090 Source—[1957 c 90 § 5.]

## Chapter 43.60 Safety Council

- 43.60.010 Source—[1959 c 313 § 1; 1951 c 247 § 16.]
- 43.60.020 Source—[1951 c 247 § 17.]  
"public service commission" to "utilities and transportation commission".
- 43.60.030 Source—[1951 c 247 § 37.]
- 43.60.040 Source—[1951 c 247 § 18.]
- 43.60.050 Source—[1951 c 247 § 19.]
- 43.60.060 Source—[1951 c 247 § 20.]
- 43.60.070 Source—[1951 c 247 § 24.]
- 43.60.080 Source—[1951 c 247 § 27.]
- 43.60.090 Source—[1951 c 247 § 21.]
- 43.60.100 Source—[1951 c 247 § 22.]
- 43.60.110 Source—[1951 c 247 § 35.]
- 43.60.120 Source—[1951 c 247 § 34.]
- 43.60.130 Source—[1951 c 247 § 23.]  
"public service commission" to "utilities and transportation commission".
- 43.60.140 Source—[1951 c 247 § 36.]
- 43.60.150 Source—[1951 c 247 § 28.]
- 43.60.160 Source—[1951 c 247 § 29.]
- 43.60.170 Source—[1951 c 247 § 30.]
- 43.60.180 Source—[1951 c 247 § 31.]
- 43.60.190 Source—[1951 c 247 § 25.]
- 43.60.200 Source—[1951 c 247 § 26.]
- 43.60.210 Source—[1951 c 247 § 32.]  
The submission of vouchers to the state auditor for payment required in the last line of the section has been changed since the state budget and accounting act. Thus "auditor" changed to "treasurer" in last line.
- 43.60.220 Source—[1951 c 247 § 33.]

## Chapter 43.61 Veterans' Rehabilitation Council

- 43.61.010 Source—[1947 c 110 § 1; RRS § 10758-100.]
- 43.61.020 Source—[1961 c 307 § 13; 1947 c 110 § 2; RRS § 10758-101.]
- 43.61.030 Source—[1947 c 110 § 6; RRS § 10758-105.]
- 43.61.040 Source—[1947 c 110 § 3; RRS § 10758-102.]
- 43.61.050 Source—[1947 c 110 § 4; RRS § 10758-103.]  
The "veterans' rehabilitation council fund" to "veterans' rehabilitation account" as fund was abolished by 43.79.331 and moneys transferred to the "veterans' rehabilitation account" created by 43.79.330.  
The fiscal procedure set forth was changed under the budget and accounting act. Language changed to "except by warrant

- of the state treasurer for claims approved by the council and filed on proper forms". Explanatory note.
- 43.61.060 Source—[1947 c 110 § 5; RRS § 10758-104.]  
"veterans' rehabilitation council fund" to "veterans' rehabilitation account", see comment under 43.61.050.
- 43.61.070 Source—[1947 c 110 § 7; RRS § 10758-106.]

#### Chapter 43.62 Census Board

- 43.62.010 Source—[1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]  
"State College of Washington" to "Washington State University".
- 43.62.020 Source—[1957 c 175 § 2. Prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]
- 43.62.030 Source—[1957 c 175 § 3; 1951 c 96 § 2.]
- 43.62.040 Source—[1957 c 175 § 4; 1951 c 96 § 3.]
- 43.62.050 Source—[1959 c 171 § 1; 1957 c 229 § 1.]

#### Chapter 43.64 Forest Board

- 43.64.010 Source—[1933 c 118 § 1; 1923 c 154 § 1; RRS § 5812-1.]  
As the state forest board was abolished by 43.30.070 and all its powers, duties and functions transferred to the department of natural resources, the section is repealed without reenactment.
- 43.64.020 Source—[1927 c 288 § 2; 1923 c 154 § 2; RRS § 5812-2.]  
As the state forest board was abolished by 43.30.070 and all its powers, duties and functions transferred to the department of natural resources, the section is repealed without reenactment.

#### Chapter 43.65 Board of State Land Commissioners

Note: Sections 43.65.010 through 43.65.050 and 43.65.060 through 43.65.080 have been omitted from the reenactment bill as the parent act, 1927 c 255, has been restored and is codified in Title 79. They will be recodified in Title 79 in their session law order and language upon publication of the 1965 supplement to RCW. Sections 43.65.052 and 43.65.053 relating to relocation of harbor lines are decodified and will be footnoted following 79.01.424 (now codified as 43.65.050) upon publication of the 1965 supplement to RCW.

#### Chapter 43.67 Board of Prison Terms and Paroles

Note: The sections comprising this chapter relate to the appointment, composition, and certain duties of the board of prison terms and paroles. As the powers and duties of the board are set forth in chapter 9.95 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 9.95 upon publication of the 1965 supplement to RCW.

#### Chapter 43.68 Board of Dental Examiners

Note: The sections comprising this chapter relate to the appointment, composition, and organization of the board of dental examiners. As the powers and duties of the board are set forth in chapter 18.32 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 18.32 upon publication of the 1965 supplement to RCW.

#### Chapter 43.69 Board of Pharmacy

Note: The sections comprising this chapter relate to the appointment, composition, certain powers and duties, and organization of the state board of pharmacy. As powers and duties of the board are

Explanatory  
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set forth in chapter 18.64 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 18.64 upon publication of the 1965 supplement to RCW.

#### Chapter 43.74 Basic Science Law

- 43.74.005 Source—[1955 c 192 § 2.]
- 43.74.010 Source—[1955 c 192 § 3; 1927 c 183 § 1; RRS § 10185-1.]  
“Washington State College” to “Washington State University”.
- 43.74.015 Source—[1955 c 192 § 4.]
- 43.74.020 Source—[1955 c 192 § 5; 1927 c 183 § 2; RRS § 10185-2.]
- 43.74.025 Source—[1955 c 192 § 6.]
- 43.74.030 Source—[1955 c 192 § 8; 1927 c 183 § 3; RRS § 10185-3.]  
“Washington State College” to “Washington State University”.
- 43.74.035 Source—[1955 c 192 § 9.]
- 43.74.040 Source—[1955 c 192 § 7; 1927 c 183 § 4; RRS § 10185-4.]
- 43.74.050 Source—[1927 c 183 § 5; RRS § 10185-5.]
- 43.74.060 Source—[1927 c 183 § 6; RRS § 10185-6.]  
A sixth basic science, bacteriology, was added by 1955 c 192 § 2 (RCW 43.74.005). It has been inserted in this section also.
- 43.74.065 Source—[1955 c 192 § 10.]
- 43.74.075 Source—[1955 c 192 § 11.]
- 43.74.080 Source—[1955 c 192 § 12; 1927 c 183 § 8; RRS § 10185-8.]  
“(1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927)” inserted following “effective date of this chapter”.
- 43.74.090 Source—[1955 c 192 § 13.]
- 43.74.900 Source—[1955 c 192 § 1.]
- 43.74.910 Source—[1955 c 192 § 15.]  
This severability clause omitted from reenactment bill as covered by severability clause in general construction sections.

#### Chapter 43.76 State Building Financing Authority

Note: The state building financing authority act (1955 1st ex.s. c 12) was declared unconstitutional in *State ex rel. Washington state building authority v. Yelle*, 47 Wn. (2d) 705. As the act has not been repealed by the legislature it is included in the reenactment bill.

- 43.76.010 Source—[1955 1st ex.s. c 12 § 2.]
- 43.76.020 Source—[1955 1st ex.s. c 12 § 3.]
- 43.76.030 Source—[1955 1st ex.s. c 12 § 14.]
- 43.76.040 Source—[1955 1st ex.s. c 12 § 4.]
- 43.76.050 Source—[1955 1st ex.s. c 12 § 5.]
- 43.76.060 Source—[1955 1st ex.s. c 12 § 6.]
- 43.76.070 Source—[1955 1st ex.s. c 12 § 7.]
- 43.76.080 Source—[1955 1st ex.s. c 12 § 8.]
- 43.76.090 Source—[1955 1st ex.s. c 12 § 9.]
- 43.76.100 Source—[1955 1st ex.s. c 12 § 10.]
- 43.76.110 Source—[1955 1st ex.s. c 12 § 11.]
- 43.76.120 Source—[1955 1st ex.s. c 12 § 12.]
- 43.76.130 Source—[1955 1st ex.s. c 12 § 13.]
- 43.76.140 Source—[1955 1st ex.s. c 12 § 15.]
- 43.76.150 Source—[1955 1st ex.s. c 12 § 16.]
- 43.76.160 Source—[1955 1st ex.s. c 12 § 17.]
- 43.76.170 Source—[1955 1st ex.s. c 12 § 18.]
- 43.76.180 Source—[1955 1st ex.s. c 12 § 19.]
- 43.76.190 Source—[1955 1st ex.s. c 12 § 23.]
- 43.76.500 Source—[1955 1st ex.s. c 13 § 1.]
- 43.76.510 Source—[1955 1st ex.s. c 13 § 2.]
- 43.76.520 Source—[1955 1st ex.s. c 13 § 3.]
- 43.76.900 Source—[1955 1st ex.s. c 12 § 1.]  
“(1955 1st ex.s. c 12)” inserted following “this act”.

- 43.76.910 Source—[1955 1st ex.s. c 12 § 20.] Explanatory  
 43.76.920 Source—[1955 1st ex.s. c 12 § 21.] note.  
 43.76.930 Source—[1955 1st ex.s. c 12 § 22.]  
 Severability clause included in reenactment bill as this is not  
 the standard clause. "(1955 1st ex.s. c 12)" inserted following  
 "this act".

Chapter 43.77 Printing and Duplicating Committee

- 43.77.010 Source—[1959 c 238 § 1.]  
 43.77.020 Source—[1959 c 238 § 2.]  
 43.77.030 Source—[1959 c 238 § 3.]  
 43.77.040 Source—[1959 c 238 § 4.]  
 "(June 10, 1959)" inserted after "effective date of this chapter".  
 43.77.050 Source—[1959 c 238 § 5.]

Chapter 43.78 Public Printer—Public Printing

Note: RCW 43.78.040, 43.78.050, 43.78.060, 43.78.070, 43.78.100, and 43.78.120 relate either totally or in part to powers and duties of the governor and the budget director in regard to approval of public printing bills of the various agencies. The procedure set forth in these sections is a pre-audit procedure which was developed upon agency heads by the budget and accounting act. RCW 43.88.160(2) of that act provides in part that "It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the budget director. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made." In construing the effect of the 1959 budget and accounting act on earlier legislation our court stated in *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 "The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject and earlier legislation is necessarily repealed by implication." The various sections of this chapter have been edited or deleted to reflect these changes.

- 43.78.010 Source—[1905 c 168 § 1; RRS § 10323.]  
 43.78.020 Source—[1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]  
 43.78.030 Source—[1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]  
 43.78.040 Source—[1905 c 168 § 4; RRS § 10326.]  
 The section has been changed to reflect the devolution of the pre-audit function to agency heads as follows:  
 "43.78.040 Requisitions. All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.  
 Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition."  
 43.78.050 Source—[1905 c 168 § 5, part; RRS § 10327.]  
 The section has been changed to reflect the devolution of the pre-audit function to agency heads as follows:  
 "43.78.050 Itemized statement of charges. Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges."

- Explanatory note.
- 43.78.060 Source—[1917 c 129 § 2; 1905 c 168 § 5, part; RRS § 10328.]  
The section involves pre-auditing duties which have devolved upon agency heads and is accordingly repealed without reenactment.
- 43.78.070 Source—[1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]  
The section has been changed to reflect the devolution of the pre-audit function upon agency heads as follows:  
“43.78.070 Use of state plant—Conditions—Public printer's salary. The public printer shall use the state printing plant, upon the following conditions, to wit:  
(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington reports for the publishers thereof under a contract approved in writing by the governor.  
(2) The gross income of the public printer shall be deposited in an account designated ‘state printing plant revolving fund’ in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:  
First in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;  
Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;  
Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;  
Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer.”
- 43.78.080 Source—[1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]
- 43.78.090 Source—[1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]
- 43.78.100 Source—[1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]  
The last sentence of the section refers to pre-audit duties of the director of budget which were transferred to the agency heads by the budget and accounting act and is therefore deleted.
- 43.78.110 Source—[1935 c 130 § 3; RRS § 10333-1.]
- 43.78.120 Source—[1917 c 129 § 6; 1905 c 168 § 10; RRS § 10334.]  
The section involves pre-auditing duties which have devolved to agency heads and is accordingly repealed without reenactment.
- 43.78.130 Source—[1919 c 80 § 1; RRS § 10335.]
- 43.78.140 Source—[1919 c 80 § 2; RRS § 10336.]
- 43.78.150 Source—[1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]
- 43.78.160 Source—[1919 c 80 § 4; RRS § 10338.]

## Chapter 43.79 State Funds

- 43.79.010 Source—[1907 c 8 § 1; RRS § 5509.]
- 43.79.020 Source—[1921 c 81 § 1; RRS § 5511.]  
Section prefaced by “Except as otherwise provided by law”, as all fees for the issuance of licenses on examination and expenses incurred are not paid into and paid from the general fund.

- 43.79.030 Source—[1911 c 69 § 1; RRS § 5528.] Explanatory note.  
 The session law section was a part of a five-section act which created the funds set out in 43.79.040, levied a property tax for the "institutions of higher education", and placed the receipts in the funds created. Since the property tax is no longer levied as the state levy is limited to two mills for public assistance purposes (84.52.050), the section has no value and is not included in the reenactment bill and is not repealed.
- 43.79.040 Source—[(i) 1911 c 69 § 2; RRS § 5529. (ii) 1911 c 69 § 3; RRS § 5530. (iii) 1947 c 18 § 1; RRS § 5532-1. (iv) 1947 c 19 § 1; RRS § 5532-10. (v) 1947 c 20 § 1; RRS § 5532-20.]  
 The funds set forth in this section were created by 1911 c 69 § 2, were renamed by 1947 chapters 18, 19, and 20, and were abolished and the moneys transferred to the general fund. See 43.79.071-43.79.075, 43.79.141-43.79.145, 43.79.310-43.79.314, 43.79.320-43.79.324.  
 The 1941 Code Committee rewrote the last paragraph to enlarge its scope so that any "taxes levied" would be paid into the created funds. The session law (1911 c 69 § 3) states that the "moneys arising from the tax herein directed to be levied" be paid into the funds. The tax referred to is no longer levied by the state.  
 The section is not included in the reenactment bill and is not repealed as the funds created are abolished and the tax is no longer levied.
- 43.79.050 Source—[1911 c 69 § 5; RRS § 5532.]  
 The session law section states that the "money produced by such tax" shall be used for specified purposes. As the tax is no longer levied the section has no application, is not included in the reenactment bill, and is not repealed.
- 43.79.060 Source—[1907 c 168 § 1; RRS § 5518.]
- 43.79.070 Added by reviser.  
 This section has no session law source and is not included in the reenactment bill and the RCW section is repealed. The "University of Washington fund" was abolished by 1955 c 332 § 3 (43.79.073) and its moneys transferred to the state general fund by 1955 c 332 § 1 (43.79.071).
- 43.79.071 Source—[1955 c 332 § 1.]
- 43.79.072 Source—[1955 c 332 § 2.]
- 43.79.073 Source—[1955 c 332 § 3.]
- 43.79.074 Source—[1955 c 332 § 4.]
- 43.79.075 Source—[1955 c 332 § 5.]
- 43.79.080 Source—[1915 c 66 § 1; RRS § 5535.]  
 Name of fund changed to "University of Washington building account in the general fund".
- 43.79.090 Source—[1915 c 66 § 7; RRS § 5536.]  
 "University of Washington building fund" to "University of Washington building account in the general fund".
- 43.79.100 Source—[1917 c 11 § 1; RRS § 5525.]  
 "the State College of Washington" to "Washington State University".
- 43.79.110 Source—[1901 c 81 § 4; RRS § 5526.]
- 43.79.120 Added by reviser. This section has no statutory background and was apparently created by the 1941 Code Committee as a "bridging-over" from section 16 of the Enabling Act which provided a ninety thousand acres grant for the use and support of the agricultural colleges of this state. The section is included for enactment.
- 43.79.130 Added by reviser. This section has no statutory background. The 1941 Code Committee created the section as the ninety thousand acre grant by section 16 of the Enabling Act was for the use and support of the agricultural colleges of the

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- state and the creation of a permanent fund in the state treasury was apparently needed to handle the moneys derived from the sale of such lands. The fund is currently in existence in the state treasury. The section is included for enactment.
- 43.79.140 Source—[1905 c 43 § 2; RRS § 5521.]  
The Washington State College fund was abolished by 1955 c 328 § 3 (RCW 43.79.143) and its moneys transferred to the general fund by 1955 c 328 § 1. As the moneys that would have continued to be credited to the Washington State College fund are still earmarked for the support of Washington State University, 43.79.140 pertaining to the sources of this abolished fund has been preserved. This has been accomplished by striking the first clause of the section down to but not including the colon in line 3 and inserting the following language: "There shall be paid into the state general fund for the support of Washington State University the following moneys:"
- 43.79.141 Source—[1955 c 328 § 1.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.142 Source—[1955 c 328 § 2.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.143 Source—[1955 c 328 § 3.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.144 Source—[1955 c 328 § 4.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.145 Source—[1955 c 328 § 5.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.150 Added by reviser. This section has no statutory background and was apparently created by the 1941 Code Committee as a "bridging-over" from section 17 of the Enabling Act which provided a grant of one hundred thousand acres for state normal schools. The section is included for enactment.
- 43.79.160 Added by reviser. This section has no statutory background. As the one hundred thousand acres grant by section 17 of the Enabling Act was for state normal schools, the creation of the "normal school permanent fund" was apparently needed to handle the moneys derived from the sale of such lands. The fund is currently in existence in the state treasury. The section is included for enactment.
- 43.79.170 Source—[1905 c 43 § 3; RRS § 5522.]  
As this fund was abolished by 1955 c 331 § 3, it is not included in the reenactment bill and is repealed.
- 43.79.171 Source—[1955 c 331 § 1.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.172 Source—[1955 c 331 § 2.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.173 Source—[1955 c 331 § 3.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.174 Source—[1955 c 331 § 4.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.175 Source—[1955 c 331 § 5.]  
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.

- 43.79.180 Source—[1905 c 43 § 4; RRS § 5523.]  
 The normal school current fund was abolished by 1955 c 331 § 3 (RCW 43.79.173) and its moneys transferred to the general fund by 1955 c 331 § 1 (RCW 43.79.171). As the moneys that would have continued to be credited to the normal school current fund are still earmarked for the support of the state colleges, 43.79.180 pertaining to the sources of this abolished fund is preserved. This has been accomplished by striking the first clause of the section down to but not including the colon in line 3 and inserting the following restatement language:  
 “There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:”
- 43.79.190 Added by reviser. This section has no statutory background. As the language created by the 1941 Code Committee is covered by 1961 c 170 § 1 (RCW 43.79.201), the section is not included in the reenactment bill and the RCW section is repealed.
- 43.79.200 Added by reviser. This section has no statutory background. The fund was abolished by 1961 c 170 § 2 (RCW 43.79.202) and its moneys transferred to the charitable, educational, penal and reformatory account created in the general fund by 1961 c 170 § 1 (RCW 43.79.201) and the permanent status of its moneys removed by Public Law 87-473, approved May 31, 1962. The section is not included in the reenactment bill and the RCW section is repealed.
- 43.79.201 Source—[1961 c 170 § 1.]
- 43.79.202 Source—[1961 c 170 § 2.]
- 43.79.210 Source—[1935 c 63 § 1; RRS § 5536-4.]
- 43.79.220 Source—[1935 c 71 § 1; RRS § 5536-12.]  
 The federal experiment station fund was created by 1935 c 71 § 1 to receive the moneys credited to the Adams, Hatch, and Purnell funds which were abolished by 1935 c 71 § 3. The federal experiment station fund was in turn abolished by 1955 c 329 § 3 (RCW 43.79.223) and its moneys transferred to the general fund. The section is not included for reenactment and is repealed.
- 43.79.221 Source—[1955 c 329 § 1.]  
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.222 Source—[1955 c 329 § 2.]  
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.223 Source—[1955 c 329 § 3.]  
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.224 Source—[1955 c 329 § 4.]  
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.250 Source—[1945 c 243 § 2; Rem. Supp. 1945 § 5517-11.]
- 43.79.260 Source—[1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]
- 43.79.270 Source—[1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]
- 43.79.280 Source—[1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]
- 43.79.300 Source—[1955 c 333 § 1.]
- 43.79.301 Source—[1955 c 333 § 2.]
- 43.79.302 Source—[1955 c 333 § 3.]
- 43.79.303 Source—[1955 c 333 § 4.]

Explanatory  
note.



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- 43.79.304 Source—[1955 c 333 § 5.]  
“Central Washington College of Education” to “Central Washington State College”.
- 43.79.310 Source—[1955 c 334 § 1.]
- 43.79.311 Source—[1955 c 334 § 2.]
- 43.79.312 Source—[1955 c 334 § 3.]
- 43.79.313 Source—[1955 c 334 § 4.]
- 43.79.314 Source—[1955 c 334 § 5.]  
“Eastern Washington College of Education” to “Eastern Washington State College”.
- 43.79.320 Source—[1955 c 335 § 1.]
- 43.79.321 Source—[1955 c 335 § 2.]
- 43.79.322 Source—[1955 c 335 § 3.]
- 43.79.323 Source—[1955 c 335 § 4.]
- 43.79.324 Source—[1955 c 335 § 5.]  
“Western Washington College of Education” to “Western Washington State College”.
- 43.79.330 Source—[1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]  
In subdivision (24) “State College of Washington building account” to “Washington State University Building Account” in accordance with 43.79.355.
- 43.79.331 Source—[1955 c 370 § 2.]
- 43.79.332 Source—[1955 c 370 § 3.]
- 43.79.333 Source—[1955 c 370 § 4.]
- 43.79.334 Source—[1955 c 370 § 5.]
- 43.79.335 Source—[1961 1st ex.s. c 11 § 3.]
- 43.79.340 Source—[1955 c 330 § 1.]
- 43.79.341 Source—[1955 c 330 § 2.]
- 43.79.342 Source—[1955 c 330 § 3.]
- 43.79.343 Source—[1955 c 330 § 4.]
- 43.79.350 Source—[1955 c 226 § 1.]
- 43.79.360 Source—[1955 c 226 § 2.]
- 43.79.370 Source—[1955 c 226 § 3.]  
“state auditor” to “state treasurer” as the state treasurer issues warrants under the budget and accounting act.
- 43.79.381 Source—[1957 c 115 § 2.]
- 43.79.390 Source—[1957 c 226 § 1.]
- 43.79.391 Source—[1957 c 226 § 2.]
- 43.79.392 Source—[1957 c 226 § 3.]
- 43.79.393 Source—[1957 c 226 § 4.]

#### Chapter 43.80 Fiscal Agency

- 43.80.010 Source—[1895 c 141 § 1; RRS § 5488.]
- 43.80.020 Source—[1895 c 141 § 2; RRS § 5489.]
- 43.80.030 Source—[1961 c 164 § 1; 1895 c 141 § 3; RRS § 5490.]
- 43.80.040 Source—[1961 c 164 § 2; 1895 c 141 § 4; RRS § 5491.]
- 43.80.050 Source—[1895 c 141 § 5; RRS § 5492.]
- 43.80.060 Source—[1895 c 141 § 6; RRS § 5493.]  
The 1941 Code Committee rewrote the session law section to require the fiscal officers to transmit within twelve days of maturity “sufficient moneys” to pay bonds or coupons while the session law requires that fiscal officers transmit “sufficient moneys out of any funds in the hands of any such treasurer or other officer applicable to such purpose for the payment of such bonds or coupons”. The session law language is restored.

#### Chapter 43.82 State Agency Housing

- 43.82.010 Source—[1961 c 184 § 1; 1959 c 255 § 1.]
- 43.82.020 Source—[1961 c 184 § 2; 1959 c 255 § 2.]
- 43.82.030 Source—[1959 c 255 § 3.]
- 43.82.040 Source—[1961 c 184 § 3; 1959 c 255 § 4.]

- 43.82.050 Source—[1959 c 255 § 5.] Explanatory  
 43.82.060 Source—[1959 c 255 § 6.] note.  
 43.82.070 Source—[1959 c 255 § 7.]  
 43.82.080 Source—[1959 c 255 § 8.]  
 43.82.090 Source—[1959 c 255 § 9.]  
 43.82.100 Source—[1959 c 255 § 10.]

This is an appropriation section and is not included in the reenactment bill and is not repealed.

- 43.82.110 Source—[1961 c 184 § 4; 1959 c 255 § 11.]  
 43.82.120 Source—[1961 c 184 § 5; 1959 c 255 § 12.]  
 43.82.125 Source—[1961 c 184 § 6.]  
 43.82.130 Source—[1959 c 255 § 13.]  
 43.82.140 Source—[1961 c 184 § 7.]  
 43.82.900 Source—[1959 c 255 § 14.]

This severability clause is not included in the reenactment bill as covered by the general severability clause in the construction sections.

#### Chapter 43.83 Capital Improvements

- 43.83.010 Source—[1959 1st ex.s. c 9 § 1.]  
 43.83.020 Source—[1959 1st ex.s. c 9 § 2.]  
 43.83.030 Source—[1959 1st ex.s. c 9 § 3.]  
 43.83.040 Source—[1959 1st ex.s. c 9 § 4.]  
 43.83.050 Source—[1959 1st ex.s. c 9 § 5.]  
 43.83.060 Source—[1961 1st ex.s. c 23 § 1.]  
 43.83.062 Source—[1961 1st ex.s. c 23 § 2.]  
 43.83.064 Source—[1961 1st ex.s. c 23 § 3.]  
 43.83.066 Source—[1961 1st ex.s. c 23 § 4.]  
 43.83.068 Source—[1961 1st ex.s. c 23 § 5.]

#### Chapter 43.84 Investments and Interfund Loans

- 43.84.010 Source—[1935 c 76 § 1; 1907 c 12 § 4; 1903 c 95 § 1; 1897 c 89 § 69; 1895 c 178 § 44; 1893 c 125 § 25; 1890 p 399 § 17; RRS § 5539.]  
 "state auditor" to "state treasurer" as the warrant issuing responsibility was transferred to the state treasurer by the budget and accounting act.  
 43.84.020 Source—[1899 c 44 § 1; RRS § 5540.]  
 43.84.030 Source—[1901 c 179 § 1; 1899 c 44 § 2; RRS § 5541.]  
 "state auditor" to "budget director"  
 43.84.040 Source—[1899 c 44 § 3; RRS § 5542.]  
 43.84.050 Source—[1899 c 44 § 4; RRS § 5543.]  
 43.84.060 Source—[1899 c 44 § 5; RRS § 5544.]  
 43.84.070 Source—[1899 c 44 § 6; RRS § 5545.]  
 43.84.080 Source—[1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]  
 43.84.090 Source—[1935 c 91 § 2; RRS § 5508-2.]  
 43.84.095 Source—[1953 c 56 § 1.]  
 43.84.100 Source—[1915 c 15 § 1; RRS § 5507.]  
 43.84.110 Source—[1915 c 15 § 2; RRS § 5508.]  
 43.84.120 Source—[1951 c 232 § 2.]  
 43.84.130 Source—[1951 c 232 § 1.]  
 43.84.140 Source—[1959 c 150 § 1.]

#### Chapter 43.85 State Depositaries

- 43.85.010 Source—[1935 c 139 § 1; 1927 c 304 § 1; 1907 c 37 § 1; RRS § 5548.]  
 The records of the state finance committee were required to be kept in the office of the state auditor under 1907 c 12 § 2 (43.33.030). When the auditor was removed as a member of the committee in 1961, this section was amended to provide that the committee keep its own records in its own offices (1961 c 300 § 4; 43.33.030). Thus "state auditor" changed to "committee" to reflect this change.

Explanatory  
note.

- 43.85.020 Source—[1907 c 37 § 7; RRS § 5554.]  
 43.85.030 Source—[1955 c 78 § 1; 1945 c 129 § 1; 1939 c 146 § 1; 1935 c 139 § 2; 1931 c 87 § 1; 1909 c 151 § 1; 1907 c 37 § 2; Rem. Supp. 1945 § 5549.]  
 43.85.040 Source—[1909 c 151 § 2; 1907 c 37 § 5; RRS § 5552.]  
 43.85.050 Source—[1907 c 37 § 3; RRS § 5550.]  
 43.85.060 Source—[1907 c 37 § 6; RRS § 5553.]  
 43.85.070 Source—[1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]  
 43.85.080 Source—[1945 c 71 § 1; Rem. Supp. 1945 § 5549-1.]  
 43.85.090 Source—[1945 c 71 § 2; Rem. Supp. 1945 § 5549-2.]  
 43.85.100 Source—[1945 c 71 § 3; Rem. Supp. 1945 § 5549-3.]  
 43.85.110 Source—[1945 c 71 § 4; Rem. Supp. 1945 § 5549-4.]  
 43.85.120 Source—[1945 c 71 § 5; Rem. Supp. 1945 § 5549-5.]  
 43.85.130 Source—[(1) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]  
 “board of state land commissioners” to “department of natural resources”.  
 43.85.140 Source—[1911 c 51 § 2; RRS § 5556.]  
 43.85.150 Source—[1911 c 51 § 3; RRS § 5557.]  
 43.85.160 Source—[1935 c 60 § 1; 1911 c 51 § 4; RRS § 5558.]  
 43.85.170 Source—[1911 c 51 § 5; RRS § 5559.]  
 43.85.180 Source—[1911 c 51 § 6.]  
 43.85.190 Source—[1955 c 198 § 1.]  
 43.85.200 Source—[1955 c 198 § 2.]  
 43.85.210 Source—[1955 c 198 § 3.]  
 43.85.220 Source—[1955 c 198 § 4.]  
 43.85.230 Source—[1955 c 198 § 5.]  
 43.85.240 Source—[1955 c 198 § 6.]

Chapter 43.86 State Budget

- 43.86.090 Source—[1925 c 9 § 9; RRS § 10927-9.]  
 43.86.100 Source—[1933 c 126 § 1; 1929 c 162 § 6; 1925 c 9 § 10; RRS § 10927-10.]  
 43.86.130 Source—[1925 c 9 § 13; RRS § 10927-13.]  
 43.86.140 Source—[1953 c 184 § 1; 1925 c 9 § 1; RRS § 10927-1.]

Chapter 43.88 Budget and Accounting System

- 43.88.010 Source—[1959 c 328 § 1.]  
 43.88.020 Source—[1959 c 328 § 2.]  
 43.88.030 Source—[1959 c 328 § 3.]  
 43.88.040 Source—[1959 c 328 § 4.]  
 43.88.050 Source—[1959 c 328 § 5.]  
 43.88.060 Source—[1959 c 328 § 6.]  
 43.88.070 Source—[1959 c 328 § 7.]  
 43.88.090 Source—[1959 c 328 § 9.]  
 “43.88.110” to “43.88.100” to correct obvious clerical error.  
 43.88.100 Source—[1959 c 328 § 10.]  
 43.88.110 Source—[1959 c 328 § 11.]  
 “Washington State College” to “Washington State University”.  
 “Central Washington College of Education” to “Central Washington State College”.  
 “Eastern Washington College of Education” to “Eastern Washington State College”.  
 “Western Washington College of Education” to “Western Washington State College”.  
 43.88.120 Source—[1959 c 328 § 12.]  
 43.88.130 Source—[1959 c 328 § 13.]  
 43.88.140 Source—[1959 c 328 § 14.]  
 43.88.150 Source—[1959 c 328 § 15.]

- 43.88.160 Source—[1959 c 328 § 16.] Explanatory note.  
 “Washington State College” to “Washington State University”.  
 “Central Washington College of Education” to “Central Washington State College”.  
 “Eastern Washington College of Education” to “Eastern Washington State College”.  
 “Western Washington College of Education” to “Western Washington State College”.
- 43.88.170 Source—[1959 c 328 § 17.]
- 43.88.180 Source—[1959 c 328 § 18.]
- 43.88.190 Source—[1959 c 328 § 19.]
- 43.88.200 Source—[1959 c 328 § 20.]
- 43.88.210 Source—[1959 c 328 § 21.]
- 43.88.220 Source—[1959 c 328 § 22.]
- 43.88.230 Source—[1959 c 328 § 23.]
- 43.88.240 Source—[1959 c 328 § 24.]
- 43.88.900 Source—[1959 c 328 § 26.]

Not included in reenactment bill as covered by general severability clause in construction sections.

#### Chapter 43.89 Teletypewriter Communications Network

- 43.89.010 Source—[1963 c 160 § 1.]
- 43.89.020 Source—[1963 c 160 § 2.]
- 43.89.030 Source—[1963 c 160 § 3.]

#### Chapter 43.91 Automobile Pool

- 43.91.010 Source—[1943 c 225 § 1; Rem. Supp. 1943 § 10964-40.]
- 43.91.020 Source—[1943 c 225 § 2; Rem. Supp. 1943 § 10964-41.]
- 43.91.030 Source—[1943 c 225 § 3; Rem. Supp. 1943 § 10964-42.]
- 43.91.040 Source—[1943 c 225 § 4; Rem. Supp. 1943 § 10964-43.]
- 43.91.050 Source—[1943 c 225 § 5; Rem. Supp. 1943 § 10964-44.]
- 43.91.060 Source—[1943 c 225 § 6; Rem. Supp. 1943 § 10964-45.]
- 43.91.070 Source—[1943 c 225 § 7; Rem. Supp. 1943 § 10964-46.]
- 43.91.080 Source—[1943 c 225 § 8; Rem. Supp. 1943 § 10964-47.]

#### Chapter 43.92 Geological Survey

- 43.92.010 Source—[1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]  
 “director of conservation and development” to “director of conservation”.
- 43.92.020 Source—[1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]
- 43.92.030 Source—[1901 c 165 § 3; RRS § 5995.]  
 “director of conservation and development” to “director of conservation”.
- 43.92.040 Source—[1901 c 165 § 4; RRS § 5996.]
- 43.92.050 Source—[1901 c 165 § 5; RRS § 5997.]  
 “the Washington State College” to “Washington State University”.
- 43.92.060 Source—[1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]
- 43.92.070 Source—[1909 c 245 § 1; RRS § 5999.]
- 43.92.080 Source—[1909 c 245 § 3; RRS § 6000.]

#### Chapter 43.93 Processing Plants

This statute providing for food processing plants appears to be of a temporary nature and was apparently part of a public relief program during the later part of the great depression and for the conservation of food during the war years. The legislature continued to appropriate moneys from the cannery revolving fund until 1947 when this fund was abolished by 1947 c 175 and its moneys transferred to the general fund.

The department of institutions reports that the food processing plants authorized to be established under the provisions of this chapter

Explanatory  
note.

are no longer in operation and have not been for several years. The processing of food by the department of institutions is done under the authority of the institutional industries commission (chapter 72.60) and is done solely as institutional enterprises.

The central budget agency reports that to their knowledge the only food processing being done by the state is by the department of institutions.

The chapter is not reenacted and is repealed.

43.93.010—43.93.080 Source—[1939 c 120; RRS § 10964-11-18.]

Repealed without reenactment.

#### Chapter 43.96 World Fair Commission—Century 21 Exposition

Note: The sections set forth in this chapter are temporary in nature and appear to be of historical interest only. These sections are decodified by not including them in the reenactment bill but they are not repealed. The provisions of 1963 c 247 included in the footnote are continued uncodified as they are temporary as well.

43.96.010 Source—[1955 c 307 § 1.]

43.96.020 Source—[1961 c 152 § 5; 1959 c 109 § 1; 1957 c 15 § 1; 1955 c 307 § 2.]

43.96.030 Source—[1957 c 15 § 2; 1955 c 307 § 3.]

43.96.040 Source—[1957 c 15 § 3.]

43.96.050 Source—[1957 c 15 § 4.]

43.96.060 Source—[1959 c 109 § 2.]

43.96.070 Source—[1961 c 129 § 1.]

#### Chapter 43.97 Columbia River Gorge Commission

43.97.010 Source—[1959 c 74 § 1.]

43.97.020 Source—[1959 c 74 § 2.]

43.97.030 Source—[1959 c 74 § 3.]

43.97.040 Source—[1959 c 74 § 4.]

43.97.050 Source—[1959 c 74 § 5.]

#### Chapter 43.98 Outdoor Recreational Facilities

43.98.010 Source—[1963 1st ex.s. c 12 § 1.]

43.98.020 Source—[1963 1st ex.s. c 12 § 2.]

43.98.030 Source—[1963 1st ex.s. c 12 § 3.]

43.98.040 Source—[1963 1st ex.s. c 12 § 4.]

43.98.050 Source—[1963 1st ex.s. c 12 § 5.]

43.98.060 Source—[1963 1st ex.s. c 12 § 6.]

43.98.070 Source—[1963 1st ex.s. c 12 § 7.]

43.98.090 Source—[1963 1st ex.s. c 12 § 10.]

43.98.100 Source—[1963 1st ex.s. c 12 § 11.]

Referendum to the people section. Not included in the reenactment bill and not repealed.

#### Chapter 43.198 Construction

43.198.010 This section added to preserve continuity.

43.198.020 This section provides that title, chapter, section and subsection headings are not part of the law.

43.198.030 Severability.

43.198.040 Repeals and saving.

Except as noted in the section by section comment, the laws set forth in the schedule of repeals were either previously repealed, or are substantially reenacted by this bill.

43.198.050 Emergency clause.