

the park owner, or tenant as may be applicable, by the enforcing governmental body of up to one hundred dollars per day, depending on the degree of risk of injury or illness to persons in or around the park.

Passed the House March 9, 1988.

Passed the Senate March 5, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

CHAPTER 127

[Senate Bill No. 6370]

STATE AGENCY OBSOLETE REFERENCES CORRECTED

AN ACT Relating to obsolete references involving state agencies; amending RCW 35.63-.060, 35A.80.010, 43.21.050, 43.21.070, 43.21.080, 43.21.090, 43.21.200, 43.21.220, 43.21.230, 43.21.250, 43.21.260, 43.21.270, 43.21.280, 43.21.290, 43.21.300, 43.21.310, 43.21.320, 43.21.330, 43.21.340, 43.21.360, 43.21.370, 43.21.390, 43.21.410, 43.21A.190, 43.27A.090, 43.27A.130, 43.27A.220, 43.92.010, 70.95.160, 70.95.180, 78.06.030, 78.40.250, 79.08.080, 79.08.100, 80.40.040, 82.34.010, 82.34.100, 85.08.820, 86.24.030, 87.03.020, 87.03.170, 87.03.185, 87.03.195, 87.03.210, 87.03.495, 87.03.555, 87.03.670, 87.03.750, 87.25.010, 87.25.020, 87.25.030, 87.25.050, 87.25.070, 87.25.090, 87.25.100, 87.25.120, 87.25.125, 87.25.130, 87.25.140, 87.48-.020, 87.48.040, 87.53.150, 87.56.010, 87.64.040, 87.64.060, 87.80.050, 87.84.010, 87.84.060, 87.84.061, 89.30.055, 89.30.058, 89.30.070, 90.14.041, 90.14.061, 90.14.091, 90.14.101, 90.14-.111, 90.16.060, 90.16.090, 90.22.030, 90.24.050, and 90.40.090; reenacting RCW 90.22.010; recodifying RCW 43.21.110, 43.21.130, 43.21.140, 43.21.160, 43.21.190, 43.21.200, 43.21.220, 43.21.230, 43.21.250, 43.21.260, 43.21.270, 43.21.280, 43.21.290, 43.21.300, 43.21.310, 43.21-.320, 43.21.330, 43.21.340, 43.21.350, 43.21.360, 43.21.370, 43.21.380, 43.21.390, 43.21.400, 43.21.410, 43.21.050, 43.21.070, 43.21.080, and 43.21.090; decodifying RCW 43.21.141, 43-.21A.060, 43.21A.400, 43.27A.080, 43.27A.120, and 43.27A.180; and repealing RCW 43.21-.010, 43.21.040, 43.21.060, 43.21.210, 43.21.240, 43.49.010, 43.49.020, 43.49.030, 43.49.040, 43.49.050, 43.49.060, and 43.49.070.

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

Sec. 1. Section 35.63.060, chapter 7, Laws of 1965 as amended by section 3, chapter 170, Laws of 1979 ex. sess. and RCW 35.63.060 are each amended to read as follows:

The commission may act as the research and fact finding agency of the municipality. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon such request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county, including but not limited to the potential for solar energy development and alternative means to encourage and protect access to direct sunlight for solar energy systems;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43-21A.— (RCW 43.21.190 as recodified by section 84 of this 1988 act) and in advance planning of public works programs.

Sec. 2. Section 35A.80.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.80.010 are each amended to read as follows:

A code city may provide utility service within and without its limits and exercise all powers to the extent authorized by general law for any class of city or town. The cost of such improvements may be financed by procedures provided for financing local improvement districts in chapters 35.43 through 35.54 RCW and by revenue and refunding bonds as authorized by chapters 35.41, 35.67 and 35.89 RCW and Title 85 RCW. A code city may protect and operate utility services as authorized by chapters 35.88, 35.91, 35.92, and 35.94 RCW and may acquire and damage property in connection therewith as provided by chapter 8.12 RCW and shall be governed by the regulations of the (~~(pollution control commission)~~) department of ecology as provided in RCW 90.48.110.

Sec. 3. Section 43.21.050, chapter 8, Laws of 1965 and RCW 43.21.050 are each amended to read as follows:

The (~~((director of conservation, through the division of geology,))~~) department of natural resources shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law.

Sec. 4. Section 43.21.070, chapter 8, Laws of 1965 and RCW 43.21.070 are each amended to read as follows:

The (~~((director of conservation, through the division of mines,))~~) department of natural resources 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))~~ department in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department ~~((of conservation))~~.

Sec. 5. Section 43.21.080, chapter 8, Laws of 1965 and RCW 43.21-.080 are each amended to read as follows:

The ~~((director))~~ department of natural resources 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.

Sec. 6. Section 43.21.090, chapter 8, Laws of 1965 and RCW 43.21-.090 are each amended to read as follows:

The ~~((director))~~ department of natural resources 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.

Sec. 7. Section 43.21.200, chapter 8, Laws of 1965 and RCW 43.21-.200 are each amended to read as follows:

The director may hold public hearings, in connection with any duty prescribed in RCW 43.21A.— (RCW 43.21.190 as recodified by section 84 of this 1988 act) and may compel the attendance of witnesses and the production of evidence.

Sec. 8. Section 43.21.220, chapter 8, Laws of 1965 and RCW 43.21-.220 are each amended to read as follows:

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))~~) out his power resources functions. (~~((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.))~~)

Sec. 9. Section 43.21.230, chapter 8, Laws of 1965 and RCW 43.21-.230 are each amended to read as follows:

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.

Sec. 10. Section 43.21.250, chapter 8, Laws of 1965 and RCW 43.21-.250 are each amended to read as follows:

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.))~~)

Sec. 11. Section 43.21.260, chapter 8, Laws of 1965 as amended by section 49, chapter 466, Laws of 1985 and RCW 43.21.260 are each amended to read as follows:

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 trade and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of trade 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 trade 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.

Sec. 12. Section 43.21.270, chapter 8, Laws of 1965 and RCW 43.21-.270 are each amended to read as follows:

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

Sec. 13. Section 43.21.280, chapter 8, Laws of 1965 and RCW 43.21-.280 are each amended to read as follows:

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 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. 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.

Sec. 14. Section 43.21.290, chapter 8, Laws of 1965 and RCW 43.21-.290 are each amended to read as follows:

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 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act).

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.

Sec. 15. Section 43.21.300, chapter 8, Laws of 1965 and RCW 43.21-.300 are each amended to read as follows:

For the purposes provided for in RCW 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act), 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 43.21A.— (RCW 43.21.250 as recodified by section 84 of this 1988 act). 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 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) shall distinctly state that they are not a general obligation of the state.

Sec. 16. Section 43.21.310, chapter 8, Laws of 1965 and RCW 43.21-.310 are each amended to read as follows:

When the state finance committee issues revenue bonds as provided in RCW 43.21A.— (RCW 43.21.300 as recodified by section 84 of this 1988 act), 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.

Sec. 17. Section 43.21.320, chapter 8, Laws of 1965 and RCW 43.21-.320 are each amended to read as follows:

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.

Sec. 18. Section 43.21.330, chapter 8, Laws of 1965 and RCW 43.21-.330 are each amended to read as follows:

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.

Sec. 19. Section 43.21.340, chapter 8, Laws of 1965 as last amended by section 61, chapter 56, Laws of 1970 ex. sess. and RCW 43.21.340 are each amended to read as follows:

All bonds issued under or by authority of RCW 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) 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.

Sec. 20. Section 43.21.360, chapter 8, Laws of 1965 and RCW 43.21-.360 are each amended to read as follows:

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 of and 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.

Sec. 21. Section 43.21.370, chapter 8, Laws of 1965 and RCW 43.21-.370 are each amended to read as follows:

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 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) with respect to revenue bonds.

Sec. 22. Section 43.21.390, chapter 8, Laws of 1965 and RCW 43.21-.390 are each amended to read as follows:

The provisions of RCW 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) 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 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction.

Sec. 23. Section 43.21.410, chapter 8, Laws of 1965 and RCW 43.21-.410 are each amended to read as follows:

Nothing in RCW 43.21A.— through 43.21A.— (RCW 43.21.250 through 43.21.410 as recodified by section 84 of this 1988 act) 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.

Sec. 24. Section 19, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.190 are each amended to read as follows:

It shall be the duty of the members of the commission to provide advice and guidance to the director on each of the following:

(1) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(2) Any comprehensive environment quality plan, program or policy proposed for adoption by the department as a state plan or policy pertaining to an environmental management activity;

(3) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county or state organizations for environmental quality purposes;

(4) Any procedures for considering applications for and granting variances;

(5) Any proposal developed for submission to the legislature as a departmental request bill;

(6) Any other matter pertaining to the activities of the department submitted by the director for which advice and guidance is requested.

The director shall submit in writing to each member of the commission all rules and regulations, other than for procedural matters, proposed by him for adoption in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the commission, notify the director in writing of their disapproval of such proposed rules and regulations and their reasons therefor, such rules and regulations shall be adopted by the director in accordance with the procedures of chapter 34.04 RCW.

No powers, duties and functions relating to water resources authorized to be performed by the department of ~~((water resources))~~ ecology, or the director thereof, by the terms of chapter 43.27A RCW or otherwise ~~((including those assigned by action of the 1970 legislature))~~ shall be affected by this section.

Sec. 25. Section 9, chapter 242, Laws of 1967 and RCW 43.27A.090 are each amended to read as follows:

~~((Notwithstanding, and in addition to powers, duties, and functions previously transferred to the department under this chapter,))~~ The department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint

interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the

congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

Sec. 26. Section 15, chapter 242, Laws of 1967 and RCW 43.27A.130 are each amended to read as follows:

~~The ((department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to the powers, duties, and functions concerning geology as set forth in RCW 43.21.050 and chapter 43.92 RCW, and such powers, duties, and functions are hereby transferred to the department of natural resources. PROVIDED, That nothing in this section shall be construed to prohibit the))~~ department of ~~((water resources from making))~~ ecology may make complete inventories of the state's water resources and ~~((entering))~~ enter into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner.

Sec. 27. Section 11, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.220 are each amended to read as follows:

Whenever the word "person" is used in RCW 43.27A.190 ~~((through 43.27A.210))~~, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual or any other entity whatsoever.

Sec. 28. Section 43.92.010, chapter 8, Laws of 1965 and RCW 43.92.010 are each amended to read as follows:

There shall be a geological survey of the state which shall be under the direction of the ~~((director of conservation))~~ commissioner of public lands 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.

Sec. 29. Section 16, chapter 134, Laws of 1969 ex. sess. and RCW 70-.95.160 are each amended to read as follows:

Each county, or any city, or jurisdictional board of health shall adopt regulations or ordinances governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing and final disposal including the issuance of permits. Such regulations or ordinances shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner so as properly to protect the public health, prevent air and water pollution, and avoid the creation of nuisances. Such regulations or ordinances may be more stringent than the minimum functional standards adopted by the department. Regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department ~~((of environmental quality))~~.

Sec. 30. Section 18, chapter 134, Laws of 1969 ex. sess. and RCW 70-.95.180 are each amended to read as follows:

(1) Applications for permits to operate new or existing solid waste disposal sites shall be on forms prescribed by the department ~~((of environmental quality))~~ and shall contain a description of the proposed and existing facilities and operations at the site, plans and specifications for any new or additional facilities to be constructed, and such other information as the jurisdictional health department may deem necessary in order to determine whether the site and solid waste disposal facilities located thereon will comply with local and state regulations.

(2) Upon receipt of an application for a permit to establish, alter, expand, improve, or continue in use a solid waste disposal site, the jurisdictional health department shall refer one copy of the application to the department ~~((of environmental quality))~~ which shall report its findings to the jurisdictional health department.

(3) The jurisdictional health department shall investigate every application as may be necessary to determine whether an existing or proposed site and facilities meet all applicable laws and regulations, and conforms with the approved comprehensive solid waste handling plan, and complies with all zoning requirements.

(4) When the jurisdictional health department finds that the permit should be issued, it shall issue such permit. Every application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department.

(5) The jurisdictional board of health may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

Sec. 31. Section 3, chapter 119, Laws of 1959 and RCW 78.06.030 are each amended to read as follows:

All county auditors receiving for filing duplicate copies of geological, geochemical, and geophysical survey reports on mining claims shall forward, monthly, one copy of each report received to the ~~((division of mines and geology of the))~~ department of ~~((conservation))~~ natural resources.

Sec. 32. Section 56, chapter 36, Laws of 1917 as amended by section 1, chapter 87, Laws of 1947 and RCW 78.40.250 are each amended to read as follows:

The original or true copies of all such maps shall be kept in the office of the mine, and prints thereof shall also be furnished to the mine inspector, and to the ~~((division of mines and geology of the))~~ department of ~~((conservation and development))~~ natural resources. The maps so delivered to the inspector shall be the property of the state, and shall remain in the custody of the inspector during the term of his office, and be delivered by him to his successor in office; they shall be kept at the office of the inspector, and be open only to the inspector or his deputy for his examination, and he shall not permit any copies of the same to be made. The maps delivered to the ~~((division of mines and geology))~~ department of natural resources shall be the property of the state and be kept ~~((in the custody of the supervisor of the division))~~ as a permanent record in ~~((his))~~ the department's files, and shall be held as confidential information unless released by written permission of the owner or operator.

Sec. 33. Section 1, chapter 157, Laws of 1939 and RCW 79.08.080 are each amended to read as follows:

Whenever application is made to the commissioner of public lands by any incorporated city or town or metropolitan park district for the use of any state owned tide or shore lands within the corporate limits of said city or town or metropolitan park district for municipal park and/or playground purposes, he shall cause such application to be entered in the records of his office, and shall then forward the same to the governor, who shall appoint a committee of five representative citizens of said city or town, in addition to the commissioner of public lands and the director of ~~((conservation and development))~~ ecology, both of whom shall be ex officio members of said committee, to investigate said lands and determine whether they are suitable and needed for such purposes; and, if they so find, the land commissioner shall certify to the governor that the property shall be deeded to the said city or town or metropolitan park district and the governor shall then execute a deed in the name of the state of Washington, attested by the secretary of state, conveying the use of such lands to said city or town or metropolitan park district for said purposes for so long as it shall continue to hold, use and maintain said lands for such purposes.

Sec. 34. Section 3, chapter 157, Laws of 1939 and RCW 79.08.100 are each amended to read as follows:

The director of ~~((conservation and development))~~ ecology, in addition to serving as an ex officio member of any such committee, is hereby authorized and directed to assist any such city or town or metropolitan park district in the development and decoration of any lands so conveyed and to furnish trees, grass, flowers and shrubs therefor.

Sec. 35. Section 5, chapter 201, Laws of 1963 and RCW 80.40.040 are each amended to read as follows:

Any natural gas company desiring to exercise the right of eminent domain to condemn any property or interest in property for the underground storage of natural gas shall first make application to the oil and gas conservation committee for an order approving the proposed project. Notice of such application shall be given by the committee to the utilities and transportation commission, to the director of ~~((the department of conservation))~~ ecology, to the commissioner of public lands, and to all other persons known to have an interest in the property to be condemned. Said notice shall be given in the manner provided by RCW 8.20.020 as amended. The committee shall publish notice of said application at least once each week for three successive weeks in some newspaper of general circulation in the county or counties where the proposed underground storage project is located. If no written requests for hearing on the application are received by the committee within forty-five days from the date of service of notice of the application and publication thereof, the committee may proceed without hearing and issue its order. If a hearing is requested, a public hearing on the application will be held within the county or one of the counties where the proposed underground storage project is located. Any order approving the proposed underground storage project shall contain findings that (1) the underground storage of natural gas in the lands or property sought to be condemned is in the public interest and welfare; (2) the underground reservoir is reasonably practicable, and the applicant has complied with all applicable oil and gas conservation laws of the state of Washington; (3) the underground reservoir sought to be condemned is nonproductive of economically recoverable valuable minerals or materials, or of oil or gas in commercial quantities under either primary or secondary recovery methods, and nonproductive of fresh water in commercial quantities with feasible and reasonable pumping lift; (4) the natural gas company has acquired the right by grant, lease or other agreement to store natural gas under at least sixty-five percent of the area of the surface of the land under which such proposed underground storage reservoir extends; (5) the natural gas company carries public liability insurance or has deposited collateral in amounts satisfactory to the committee or has furnished a financial statement showing assets in a satisfactory amount, to secure payment of any liability resulting from any occurrence arising out of or caused by the operation or use of any

underground reservoir or facilities incidental thereto; (6) the underground storage project will not injure, pollute, or contaminate any usable fresh water resources; (7) the underground storage project will not injure, interfere with, or endanger any mineral resources or the development or extraction thereof. The order of the committee may be reviewed in the manner provided by chapter 34.04 RCW: PROVIDED, That if an appeal is not commenced within thirty days of the date of the order of the committee, the same shall be final and conclusive.

Sec. 36. Section 1, chapter 139, Laws of 1967 ex. sess. as last amended by section 1, chapter 42, Laws of 1984 and RCW 82.34.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words as hereinafter used in this chapter shall have the following meanings:

(1) "Facility" shall mean an "air pollution control facility" or a "water pollution control facility" as herein defined: (a) "Air pollution control facility" includes any treatment works, control devices and disposal systems, machinery, equipment, structures, property or any part or accessories thereof, installed or acquired for the primary purpose of reducing, controlling or disposing of industrial waste which if released to the outdoor atmosphere could cause air pollution. "Air pollution control facility" shall not mean any motor vehicle air pollution control devices used to control the emission of air contaminants from any motor vehicle. (b) "Water pollution control facility" includes any treatment works, control device or disposal system, machinery, equipment, structures, property or any accessories thereof installed or acquired for the primary purpose of reducing, controlling or disposing of sewage and industrial waste which if released to a water course could cause water pollution: PROVIDED, That the word "facility" shall not be construed to include any control device, machinery, equipment, structure, disposal system or other property installed or constructed: For a municipal corporation other than for coal-fired, steam electric generating plants constructed and operated pursuant to chapter 54.44 RCW for which an application for a certificate was made no later than December 31, 1969, together with any air or water pollution control facility improvement which may be made hereafter to such plants; or for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities: PROVIDED FURTHER, That the word "facility" shall not include any control device, machinery, equipment, structure, disposal system, or other property installed or constructed with the proceeds derived from the sale of industrial revenue bonds issued under chapter 39.84 RCW.

(2) "Industrial waste" shall mean any liquid, gaseous, radioactive or solid waste substance or combinations thereof resulting from any process of

industry, manufacture, trade or business, or from the development or recovery of any natural resources.

(3) "Treatment works" or "control device" shall mean any machinery, equipment, structure or property which is installed, constructed or acquired for the primary purpose of controlling air or water pollution and shall include, but shall not be limited to such devices as precipitators, scrubbers, towers, filters, baghouses, incinerators, evaporators, reservoirs, aerators used for the purpose of treating, stabilizing, incinerating, holding, removing or isolating sewage and industrial wastes.

(4) "Disposal system" shall mean any system containing treatment works or control devices and includes but is not limited to pipelines, outfalls, conduits, pumping stations, force mains, solids handling equipment, instrumentation and monitoring equipment, ducts, fans, vents, hoods and conveyors and all other construction, devices, appurtenances and facilities used for collecting or conducting, sewage and industrial waste to a point of disposal, treatment or isolation except that which is necessary to manufacture of products.

(5) "Certificate" shall mean a pollution control tax exemption and credit certificate for which application has been made not later than December 31, 1969, except as follows:

(a) With respect to a facility required to be installed, such application will be deemed timely made if made not later than November 30, 1981, and within one year after the effective date of specific requirements for such facility promulgated by the appropriate control agency.

(b) With respect to a water pollution control facility for which an application was made in anticipation of specific requirements for such facility being promulgated by the appropriate control agency, an application will be deemed timely made if made during November, 1981, and subsequently denied, and if an appeal of the agency's denial of the application was filed in a timely manner.

(c) With respect to a facility for which plans and specifications were approved by the appropriate control agency, an application will be deemed timely made if made during November, 1981, and subsequently denied, and if an appeal of the agency's denial of the application was filed in a timely manner.

(d) For the purposes of (a), (b), and (c) of this subsection, "facility" means a facility installed in an industrial, manufacturing, waste disposal, utility, or other commercial establishment which is in operation or under construction as of July 30, 1967.

(6) "Appropriate control agency" shall mean the (~~state water pollution control commission~~) department of ecology; or the operating local or regional air pollution control agency within whose jurisdiction a facility is or will be located, or the (~~state air pollution control board~~) department of ecology, where the facility is not or will not be located within the area of an

operating local or regional air pollution control agency, or where the ((~~state air pollution control board~~)) department of ecology has assumed jurisdiction.

(7) "Department" shall mean the department of revenue.

Sec. 37. Section 10, chapter 139, Laws of 1967 ex. sess. and RCW 82-.34.100 are each amended to read as follows:

The ((~~water pollution control commission or the state air pollution control board~~)) department of ecology, after notice to the department and the applicant and after affording the applicant an opportunity for a hearing, shall, on its own initiative or on complaint of the local or regional air pollution control agency in which an air pollution control facility is located, or is expected to be located, revise the prior findings of the appropriate control agency whenever any of the following appears:

(1) The certificate or supplement thereto was obtained by fraud or misrepresentation, or the holder of the certificate has failed substantially without good cause to proceed with the construction, reconstruction, installation or acquisition of a facility or without good cause has failed substantially to operate the facility for the purpose specified by the appropriate control agency in which case the department shall modify or revoke the certificate. If the certificate and/or supplement are revoked, all applicable taxes from which an exemption has been secured under this chapter or against which the credit provided for by this chapter has been claimed shall be immediately due and payable with the maximum interest and penalties prescribed by applicable law. No statute of limitations shall operate in the event of fraud or misrepresentation.

(2) The facility covered by the certificate or supplement thereto is no longer operated primarily for the purpose of the control or reduction of water pollution or the control, capture, and removal of pollutants from the air, as the case may be, or is no longer suitable or reasonably adequate to meet the intent and purposes of chapter 70.94 RCW or chapter 90.48 RCW, in which case the certificate shall be modified or revoked.

(3) Upon the date of mailing by certified mail to the certificate holder of notice of the action of the department modifying or revoking a certificate or supplement, the certificate or supplement shall cease to be in force or shall remain in force only as modified.

Sec. 38. Section 1, chapter 140, Laws of 1925 ex. sess. and RCW 85-.08.820 are each amended to read as follows:

Whenever the department of ((~~conservation and development of the state of Washington~~)) ecology shall have purchased and the state of Washington owns the entire issue of any series of bonds of any county in the state, the payment of which is to be made from and is secured by assessments upon the property included within any drainage improvement district organized and existing in such county, and it shall appear to the satisfaction of the director of ((~~conservation and development~~)) ecology that owing to

and by reason of the nature of the soil within and the topography of such drainage improvement district the lands contained therein were not or will not be drained sufficiently to permit the cultivation thereof within the time when assessments for the payment of the interest on said bonds and to constitute a sinking fund to retire said bonds as provided by law became or will become due, and that by reason thereof the owners of said lands were or will be unable to meet said assessment, the director of ~~((conservation and development))~~ ecology shall have the power and he is hereby authorized under such terms and conditions as he shall deem advisable to enter into a contract in writing with the board of county commissioners of the county issuing such bonds, waiving the payment of interest upon such bonds from the date of their issue for not to exceed five years, and extending the time of payment of said bonds for not to exceed five years; and upon the execution of said contract the board of county commissioners of said county shall have the power and is hereby authorized to cancel all assessments made upon the lands included within such drainage improvement district for the payment of principal and/or interest on said bonds prior to the date of said contract, and to omit the levy of any assessments for said purposes until the expiration of the time of the waiver of interest payments upon said bonds specified in said contract.

Sec. 39. Section 4, chapter 163, Laws of 1935 and RCW 86.24.030 are each amended to read as follows:

The state director of ~~((conservation))~~ ecology, when state funds shall be available therefor, shall have authority on behalf of the state to enter into contracts with the United States or any agency thereof and/or with any such flood control district, county, or counties so acting jointly, for flood control purposes for any such flood control district, county or counties so acting jointly, the amount of the state's participation in any such contract to be such sum as may be appropriated therefor, or, in event of unallocated state appropriations for flood control purposes, in such necessary sum as to any such contract as he shall determine.

Sec. 40. Section 2, page 671, Laws of 1889-90 as last amended by section 3, chapter 138, Laws of 1923 and RCW 87.03.020 are each amended to read as follows:

For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

(3) A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the cost in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of ~~((the department of conservation and development))~~ ecology from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of ~~((the department of conservation and development))~~ ecology at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make such investigation ~~((through the division of hydraulics;))~~ of the sufficiency of the source and supply of water for the purposes of the proposed district, as he may deem necessary, and file a report of his findings, together with a statement of his costs, with the board of

county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: **PROVIDED**, That said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: **AND PROVIDED FURTHER**, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: **PROVIDED**, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

Sec. 41. Section 7, chapter 138, Laws of 1923 and RCW 87.03.170 are each amended to read as follows:

Such examinations, surveys, maps, plans and specifications with estimates of cost as are deemed necessary for an understanding of the proposed plan of development shall be certified by the district board and its engineer and filed with the state director of ~~((the department of conservation and development))~~ ecology at Olympia, Washington.

Sec. 42. Section 7, chapter 138, Laws of 1923 and RCW 87.03.185 are each amended to read as follows:

In the case of an irrigation district under contract or in cooperation with the United States under the provisions of the United States Reclamation Act, the investigation and findings above required to be made by the state director of ~~((the department of conservation and development))~~ ecology may be made by the United States Reclamation Service with the same authority and under like conditions, if it so elects.

Sec. 43. Section 8, chapter 138, Laws of 1923 and RCW 87.03.195 are each amended to read as follows:

As to ~~((existing))~~ irrigation districts existing on March 17, 1923, the provisions of RCW 87.03.165 through 87.03.190 relating to the filing of examinations, surveys, maps, plans and specifications of the plan of development with the director of ~~((the department of conservation and development))~~ ecology and to an examination and the filing of findings and conclusions by that department, shall not apply.

Sec. 44. Section 16, page 681, Laws of 1889-90 as last amended by section 214, chapter 167, Laws of 1983 and RCW 87.03.210 are each amended to read as follows:

(1) The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the payment of outstanding district warrants when consented to in writing by the director of ~~((conservation and development))~~ ecology, and to such extent as shall be authorized at said election, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interest of the district so to do: PROVIDED, That no election to authorize bonds to refund outstanding warrants shall be held and canvassed after the expiration of the year 1934. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor, property or property rights, labor and material necessary for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the

district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: PROVIDED, That such bonds shall not be sold for less than ninety percent of their face value: AND PROVIDED, FURTHER, That the proceeds of all bonds sold for cash must be paid by the purchaser to the county treasurer of the county in which the office of the board is located, and credited to the bond fund.

(2) Notwithstanding subsection (1) of this section, such bonds may also be issued and sold in accordance with chapter 39.46 RCW.

Sec. 45. Section 13, chapter 162, Laws of 1917 as last amended by section 3, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.495 are each amended to read as follows:

The cost of the improvement and of the operation and maintenance thereof, if any, shall be especially assessed against the lands within such local improvement district in proportion to the benefits accruing thereto, and shall be levied and collected in the manner provided by law for the levy and collection of land assessments or toll assessments or both such form of assessments.

All provisions for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor or the bonds issued to meet the cost thereof or the contract authorized in RCW 87.03.485 to repay the cost thereof. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district shall constitute a special fund to be called "bond redemption or contract repayment fund of local improvement district No. _____."

Bonds issued under this chapter shall be eligible for disposal to and purchase by the director of (~~the department of conservation and development~~) ecology under the provisions of the state reclamation act.

The cost or any unpaid portion thereof, of any such improvement, charged or to be charged or assessed against any tract of land may be paid in one payment under and pursuant to such rules as the board of directors may adopt, and all such amounts shall be paid over to the county treasurer who shall place the same in the appropriate fund. No such payment shall thereby release such tract from liability to assessment for deficiencies or delinquencies of the levies in such improvement district until all of the bonds or the contract, both principal and interest, issued or entered into for such local improvement district have been paid in full. The receipt given for

any such payment shall have the foregoing provision printed thereon. The amount so paid shall be included on the annual assessment roll for the current year, provided, such roll has not then been delivered to the treasurer, with an appropriate notation by the secretary that the amount has been paid. If the roll for that year has been delivered to the treasurer then the payment so made shall be added to the next annual assessment roll with appropriate notation that the amount has been paid.

Sec. 46. Section 47, page 694, Laws of 1889-90 as last amended by section 32, chapter 129, Laws of 1921 and RCW 87.03.555 are each amended to read as follows:

The boundaries of any irrigation district now or hereafter organized under the provisions of this chapter may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, except as hereinafter expressly in RCW 87.03.645 prescribed: PROVIDED, That in case contract has been made between the district and the United States, or the state of Washington, as in RCW 87.03.140 provided, no change shall be made in the boundaries of the district, and the board of directors shall make no order changing the boundaries of the district until the secretary of the interior(~~(, or the state reclamation board;)~~) or the director of (~~(conservation and development)~~) ecology shall assent thereto in writing and such assent be filed with the board of directors.

Sec. 47. Section 65, page 701, Laws of 1889-90 as last amended by section 40, chapter 129, Laws of 1921 and RCW 87.03.670 are each amended to read as follows:

If there be outstanding bonds of the district, or consolidated district, as the case may be, or if such district shall have entered into a contract with the United States, or the state of Washington, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, or the former district mentioned in the petition, as the case may be, should be excluded from the district, or consolidated district, and the former district reestablished. The resolution shall describe such lands so that the boundaries can readily be traced, or shall give the corporate name and number of the former district. The holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the board may make an order by which the lands, or the former district, mentioned in the resolution may be excluded from the district, and in case contract has been made with the United States, or the state of Washington, the secretary of the interior(~~(, or the state reclamation board;)~~) or the director of (~~(conservation and development)~~) ecology may assent to such change. The assent

must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect, as evidence, as the acknowledgment of such conveyance. The assent of the secretary of the interior need not be acknowledged. The assent shall be filed with the board, and in the office of the county clerk in each county comprised within the district and must be recorded in the minutes of the board; and said minutes, or certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent of the bondholders, and in case of contract with the United States, or the state of Washington, such assent of the secretary of the interior(~~(; or the state reclamation board)~~) ecology, be not filed, the board shall deny and dismiss said petition.

Sec. 48. Section 1, chapter 138, Laws of 1925 ex. sess. and RCW 87-.03.750 are each amended to read as follows:

Whenever any irrigation district organized and existing under the laws of this state, shall have entered into a contract, or contracts, with the department of (~~(conservation and development of the state of Washington)~~) ecology, for the sale to and purchase by the department of an entire authorized issue of the bonds of the district, for the purpose of procuring funds for district purposes, including the construction of an irrigation system for the district, and the department of (~~(conservation and development)~~) ecology has advanced, under such contract, or contracts, funds for such purposes, and such funds have been expended for the purposes advanced, and there are no outstanding bonds of the district other than those which the district has contracted to sell the department of (~~(conservation and development)~~) ecology, and it shall appear to the satisfaction of the board of directors of the district that the irrigation system, for the construction of which such funds were advanced and expended, will not furnish sufficient water for the successful irrigation of all of the lands within the district and that the district as constituted will be unable by assessments upon the lands of the district, as provided by law, to collect sufficient funds to meet the interest payments upon and pay the bonds at maturity, the board of directors of the district shall have the power by unanimous resolution to adopt a comprehensive proposed plan for reducing the boundaries of the district, excluding therefrom such portions of the lands of the district as in the judgment of the board cannot be furnished with sufficient water for successful irrigation, and refunding to the owners of such excluded lands, respectively, any moneys paid for assessments levied by the district upon the lands excluded, and to release any such excluded lands from all unpaid assessments levied by the district, which resolution shall give the boundaries to which it is proposed to reduce the district and the description of the lands it is proposed to exclude from the district by government subdivisions, or metes and bounds.

Sec. 49. Section 1, chapter 51, Laws of 1923 and RCW 87.25.010 are each amended to read as follows:

Whenever the board of directors of any irrigation district, organized and existing under and pursuant to the laws of the state of Washington, shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of such district, including any of its bonds authorized but not sold, be certified under the provisions of this chapter, such board of directors shall thereupon file a certified copy of such resolution with the director of ~~((the department of conservation and development of the state of Washington))~~ ecology. Such director on receipt of a certified copy of such resolution shall, without delay, make or cause to be made a full investigation of the affairs of the district.

Sec. 50. Section 2, chapter 51, Laws of 1923 and RCW 87.25.020 are each amended to read as follows:

In connection with the investigation and report provided for in this chapter, the director of ~~((the department of conservation and development))~~ ecology is authorized and directed to make written request upon any state officer, institution or department for information, opinion or advice relative to any features of such investigation pertinent to the work of such officer or department. Upon receipt of such written request from said director, such officer or department shall, without delay, make such investigation as may be necessary and shall then furnish the said director with a report in writing giving the information, opinion or advice required by said director.

Sec. 51. Section 3, chapter 51, Laws of 1923 and RCW 87.25.030 are each amended to read as follows:

If, after the investigation herein provided for, the director finds that the project of the district is feasible, that the bond issue proposed to be certified is necessary and in sufficient amount to complete the improvement contemplated and that the district shows a clear probability of successful operation, he shall submit a complete transcript, to be furnished and certified by the district, of the proceedings relating to the organization and establishment of the district and relating to or affecting the validity of the bond issue involved, to the attorney general, for his written opinion as to the legality of the same. If the attorney general finds that any of the matters submitted in the transcript are not legally sufficient he shall so state in his opinion to the director of ~~((the department of conservation and development))~~ ecology. The district shall then be given an opportunity, if possible, to correct the proceeding or thing complained of to the satisfaction of the attorney general. If the attorney general finds that all the matters submitted in the transcript as originally submitted or as subsequently corrected are legally sufficient said director shall thereupon file his report with the secretary of state and forward a copy to the secretary of the district, to be kept among the records of the district.

Sec. 52. Section 5, chapter 51, Laws of 1923 as amended by section 112, chapter 169, Laws of 1977 ex. sess. and RCW 87.25.050 are each amended to read as follows:

Attached to said report of said director shall be the following:

(1) A certificate signed by the ~~((supervisor of hydraulics))~~ director of ecology certifying to the amount and sufficiency of water rights available for the project.

(2) A certificate signed by a soil expert of the Washington State University, certifying as to the character of the soil and the classification of the lands in the district.

(3) A certificate signed by the ~~((supervisor of reclamation))~~ director of ecology approving the general feasibility of the system of irrigation.

(4) A certificate signed by the attorney general of the state of Washington approving the legality of the organization and establishment of the district and the legality of the bond issue offered for certification.

Sec. 53. Section 7, chapter 51, Laws of 1923 and RCW 87.25.070 are each amended to read as follows:

All bonds issued by any eligible district availing itself of the provisions of this chapter shall, before sale by the district, have attached thereto the certificate of the secretary of state, essentially in the following form:

— Olympia, Washington, (Insert date)

I,, secretary of state of the state of Washington, do hereby certify that the above named district has been investigated and its project approved by the department of ~~((conservation and development))~~ ecology of the state of Washington; that the legality of the bond issue of which this bond is one has been approved by the attorney general of the state of Washington, and that the carrying out of the purposes for which this bond was issued is under the supervision of said department, as provided by law.

[Seal]

SECRETARY OF STATE.

Sec. 54. Section 8, chapter 51, Laws of 1923 and RCW 87.25.090 are each amended to read as follows:

All necessary expenses incurred in making the investigation, examination, opinions and reports in this chapter provided for shall be paid at such times and in such manner as the director of ~~((the department of conservation and development))~~ ecology shall require, by the irrigation district, the affairs of which have been investigated and reported on by the said director: PROVIDED, That the benefit of any service that may have been performed and any data that may have been obtained in pursuance of the requirements of any law other than this chapter, shall be available for the use of the director without charge to said district.

Sec. 55. Section 9, chapter 51, Laws of 1923 and RCW 87.25.100 are each amended to read as follows:

Whenever the bonds of any irrigation district have been certified, as provided in this chapter, no expenditures shall be made from the proceeds of such bonds, nor shall any liability chargeable against such proceeds be incurred, until there shall have been filed with and approved by the director of ~~((the department of conservation and development))~~ ecology a schedule of proposed expenditures in such form as said director shall prescribe, and no expenditures from the proceeds of said bonds shall be made for any purpose in excess of the amount allowed therefor in such schedule without the written consent of said director: PROVIDED, FURTHER, That, if it shall be necessary, the attorney general may employ competent attorneys to assist him in the performance of his duties under this chapter, said attorneys to be paid by the irrigation district for which services are rendered from any of the funds of said district at such time and in such manner as the attorney general shall require.

Sec. 56. Section 10, chapter 51, Laws of 1923 and RCW 87.25.120 are each amended to read as follows:

During the progress of any work to be paid for from the proceeds of any bond issue certified as in this chapter provided, the director of ~~((the department of conservation and development))~~ ecology shall make or cause to be made, from time to time, at the expense of the district, such inspection of the work as may be necessary to enable the said department to know that the plans approved by the director are being carried out without material modification, unless such modification has been approved by the director.

Sec. 57. Section 11, chapter 51, Laws of 1923 and RCW 87.25.125 are each amended to read as follows:

Whenever the survey, examinations, drawings, and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule adopted by resolution of the board of directors of the district, it shall not be necessary for the secretary of state to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time, when approved by the director of ~~((the department of conservation and development))~~ ecology, as needed by the district. If the secretary of state shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of directors, the bonds so voted and certified shall only be sold after prior written approval of said director.

Sec. 58. Section 12, chapter 51, Laws of 1923 and RCW 87.25.130 are each amended to read as follows:

Districts coming within the provisions of this chapter shall prepare and maintain all records of their operation and proceedings upon forms prescribed by the director of (~~the department of conservation and development~~) ecology.

Sec. 59. Section 13, chapter 51, Laws of 1923 and RCW 87.25.140 are each amended to read as follows:

When the bonds of any district have been certified as provided herein, it shall be unlawful for the district, during the life of said bonds to expend any money or incur any obligation for construction purposes without the written approval of the director of (~~the department of conservation and development~~) ecology, nor shall such district issue and sell any bonds not certified as herein provided, and the district shall annually at such time as said director shall prescribe, prepare and file with the director, on forms furnished by that officer, a budget of its contemplated expenditures for maintenance and operation during the ensuing year.

Sec. 60. Section 2, chapter 34, Laws of 1925 ex. sess. and RCW 87-.48.020 are each amended to read as follows:

When any such irrigation district shall have duly executed and tendered to the state of Washington the contract of indemnity as it is herein empowered to do, the director of (~~conservation and development of the state of Washington~~) ecology is hereby authorized, empowered and required to sign and execute such contract on behalf of the state of Washington. After having received any such contract of indemnity from any such irrigation district the said director of (~~conservation and development~~) ecology is hereby authorized, empowered and required to enter into a contract on behalf of the state of Washington with the United States relating to the land settlement in such district if such contract shall be presented, or tendered by the United States, which contract, if entered into on or before June 30, 1926, shall have the same terms and provisions of that certain contract submitted to the state of Washington under authority of the act of congress approved March 3rd, 1925, entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes." PROVIDED, That the liability of the state of Washington to the United States under such contract, if entered into on or before June 30, 1926, shall be limited to three hundred thousand dollars and be subject to appropriation therefor being made by the legislature. PROVIDED, FURTHER, That the said director of (~~conservation and development~~) ecology or any other officer of the state of Washington shall not enter into any such contract with the United States after June 30, 1926, unless and until any such contract shall have been presented to the legislature by the governor through the director of (~~conservation and development~~) ecology and approved by a joint resolution of the legislature, which resolution shall be passed by a constitutional majority of both branches of the legislature by roll call.

Sec. 61. Section 4, chapter 34, Laws of 1925 ex. sess. as amended by section 32, chapter 156, Laws of 1981 and RCW 87.48.040 are each amended to read as follows:

When the state of Washington shall be required to make any payment or expend any money in the performance of any such contract entered into with the United States, an estimate of the amount of expenses likely to be incurred in such performance, together with an estimate of future losses or damages that may occur under such contract shall be made by the director of ~~((conservation and development))~~ ecology, who shall thereupon return a statement thereof to such district, and the board of directors of such district shall from time to time as required by the director of ~~((conservation and development))~~ ecology levy against all the property within said district such assessments as may be necessary to repay to the state of Washington such estimated expenses, losses and damages. PROVIDED, If such district has no money in the "The Indemnity Fund" to repay such expenses when the same shall be incurred or to pay such losses and damages as the same shall accrue it shall be the duty of the board of directors to cause warrants of the district to be issued in payment of such indebtedness, which warrants shall bear interest at a rate determined by the board and be paid from moneys paid into the indemnity fund by assessments levied as hereinbefore provided.

Sec. 62. Section 15, chapter 237, Laws of 1951 and RCW 87.53.150 are each amended to read as follows:

Whenever any bonds of the district are held in the state reclamation revolving ~~((fund))~~ account, and, in the opinion of the director of ~~((conservation and development))~~ ecology, the district is or will be unable to meet its obligations, and that the state's investment can be best preserved by the dissolution of the district the director may give his consent to dissolution under such stipulations and adjustments of the indebtedness as he deems best for the state.

Sec. 63. Section 1, chapter 124, Laws of 1925 ex. sess. as amended by section 11, chapter 60, Laws of 1931 and RCW 87.56.010 are each amended to read as follows:

In all instances where fifty percent of the acreage within an irrigation district has been sold to the district on account of delinquent district assessments, and more than one year has elapsed since the sale of said property to the district without redemption by the owners thereof, and the district is unable to raise sufficient revenue to meet its obligations when the same become due and payable, such district shall be deemed insolvent and the district board shall have authority to call an election in the district to determine whether the district shall discontinue operation and dissolve: PROVIDED, That in case there are bonds of the district outstanding, written consent of the holders of at least fifty-one percent in amount of such outstanding bonds shall be obtained by the district board before calling said election: PROVIDED, FURTHER, That if any portion of such outstanding

bonds are owned by the state of Washington the board of directors of such district shall give written notice to the director of ~~((conservation and development))~~ ecology of the intention of the board of directors to call such election, and unless the director of ~~((conservation and development))~~ ecology shall sign written objection to the calling of such election within ten days after the giving of such notice the state shall be deemed as consenting thereto.

Said election shall be called, shall be conducted and the results canvassed in the same manner substantially provided by law for a bond election in the district.

Sec. 64. Section 4, chapter 121, Laws of 1929 as amended by section 2, chapter 39, Laws of 1941 and RCW 87.64.040 are each amended to read as follows:

Whenever the department of ~~((conservation and development))~~ ecology shall have heretofore entered, or shall hereafter enter, into a contract with an irrigation, diking or drainage district and shall have expended moneys under said contract, and said district shall be indebted to the state for the moneys so expended, and in the judgment of the director of ~~((conservation and development))~~ ecology said district shall have not received benefits equal to the amount of said indebtedness, the director of ~~((conservation and development))~~ ecology shall be and is hereby authorized and empowered to settle and compromise the claim of the state against said district upon such terms and for such an amount as he shall deem fair and just to the state and the district.

Sec. 65. Section 5, chapter 121, Laws of 1929 and RCW 87.64.060 are each amended to read as follows:

Whenever the director of ~~((conservation and development))~~ ecology shall find any irrigation district is, or will be unable to meet its obligations and that refunding operations under this chapter are necessary, and that as a part of such refunding operations the cancellation of assessments and county taxes on the irrigation system and the irrigable lands in such district then delinquent, is necessary, the board of county commissioners of the county in which such irrigation district is situated may, upon request of the director of ~~((conservation and development))~~ ecology, cancel any or all delinquent assessments and county taxes levied upon the irrigable lands in such district and all county taxes levied upon the irrigation system of such district, if such board shall find that such irrigation district is or will be unable to meet its obligations and such refunding operations are necessary, of which the report of the director of ~~((conservation and development))~~ ecology shall be prima facie evidence.

Sec. 66. Section 5, chapter 56, Laws of 1949 and RCW 87.80.050 are each amended to read as follows:

Notice of the hearing on said petition shall be given by the clerk of the board of county commissioners by publishing the same, at the cost of the board of control, if created, otherwise at the cost of the petitioners, in the official newspaper of the county in at least three weekly issues thereof: PROVIDED, That the time of the hearing shall not be less than thirty days from the date of the first publication of said notice. A copy of said notice shall be posted at the regular meeting place of the board of directors of each irrigation district concerned in the granting or denial of said petition and a copy of the notice shall be mailed to the department of ~~((conservation and development))~~ ecology at Olympia at least thirty days prior to the day of said hearing.

Sec. 67. Section 2, chapter 226, Laws of 1961 as amended by section 2, chapter 221, Laws of 1963 and RCW 87.84.010 are each amended to read as follows:

Any irrigation district having the major portion of an inland navigable body of water within its exterior boundaries and which has filed with the ~~((supervisor of water resources))~~ department of ecology and been granted a water right certificate for fifty thousand acre feet of water or more shall be eligible to become an irrigation and rehabilitation district as provided in this chapter.

Sec. 68. Section 7, chapter 226, Laws of 1961 as amended by section 4, chapter 221, Laws of 1963 and RCW 87.84.060 are each amended to read as follows:

The directors of the irrigation and rehabilitation district shall be the same as of the irrigation district and the directors shall retain all power, rights and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of Title 87 RCW or any amendments thereto or any authority granted to directors of irrigation districts under any other law of the state of Washington. The irrigation and rehabilitation district shall also retain all power, rights and authority heretofore or hereafter granted to irrigation districts under Title 87 RCW or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the ~~((Washington state supervisor of water resources))~~ department of ecology shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water

in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed.

Sec. 69. Section 5, chapter 221, Laws of 1963 as amended by section 383, chapter 141, Laws of 1979 and RCW 87.84.061 are each amended to read as follows:

The water in any natural or impounded lake, wholly or partially within the boundaries of an irrigation and rehabilitation district, together with all use of said water and the bottom and shore lines to the line established by the highest level where water has been or shall be stored in said lake, shall be regulated, controlled and used by the irrigation and rehabilitation district in order to further the health, safety, recreation and welfare of the residents in the district and the citizens and guests of the state of Washington, subject to rights of the United States bureau of reclamation and any irrigation districts organized under the laws of the state of Washington.

In addition to the powers expressly or impliedly enumerated above, the directors of an irrigation and rehabilitation district shall have the power and authority to:

(1) Control and regulate the use of boats, skiers, skin divers, aircraft, ice skating, ice boats, swimmers or any other use of said lake, by means of appropriate rules and regulations not inconsistent with state fish, game or aeronautics laws.

(2) Expend district funds for the control of mosquitoes or other harmful insects which may affect the use of any lake located in the district: PROVIDED, That the state department of social and health services gives its approval in writing to any district program instituted under the authority of this item. District funds may be expended for mosquito and insect control or other district projects or activities even though it may be necessary to place chemicals or carry on activities on areas located outside of an irrigation and rehabilitation district's boundaries. These funds may be transferred to the jurisdictional health department for the purpose of carrying out the provisions of this item.

(3) Except for state highways, control, regulate or prohibit by means of rules and regulations, the building, construction, placing or allowing to be placed from adjoining land, sand, gravel, dirt, rock, tires, lumber, logs, bottles, cans, garbage and trash, or any loathsome, noxious substances or materials of any kind, and any piling, causeways, fill, roads, culverts, wharfs, bulkheads, buildings, structures, floats, or markers, in, on or above the line established by the highest level where water has been or shall be stored in said lake, located in the district, in order to further the interests of the citizens of the state of Washington, and residents of the district.

(4) Except for state highways, control, regulate and require the placing, maintenance and use of culverts and boat accesses under and through

existing fills constructed over and/or across any lake located within the district to facilitate water circulation, navigation and the reduction of flood danger.

(5) Control the taking of carp or other rough fish located in the district and including the right to grant or sell an exclusive or concurrent franchise for the taking of carp or other rough fish, providing the state fisheries department give their approval in writing to any district project regarding the capture, or sale of fish.

(6) Control and regulate by means of rules and regulations the direct or indirect introduction into any lake within the district of any human, animal or industrial waste products, sewage, effluent or byproducts, treated or untreated: **PROVIDED**, That the state department of ecology gives its approval in writing to any district program instituted under this section, and nothing herein shall be deemed to amend, repeal, supersede, or otherwise modify any laws or regulations relating to public health or to the ~~((pollution control commission))~~ department of ecology.

(7) Except for state highways, construct, maintain, place, and/or restore roads, buildings, docks, dams, canals, locks, mechanical lifts or any other type of transportation facility; dredge, purchase land, or lease land, or enter into agreements with other agencies or conduct any other activity within or without the district boundaries in order to carry out district projects or activities to further the recreational potential of the area.

Sec. 70. Section 19, chapter 254, Laws of 1927 as amended by section 5, chapter 149, Laws of 1933 and RCW 89.30.055 are each amended to read as follows:

Upon the giving of notice of hearing on the petition by the clerk of the county board aforesaid, there is hereby authorized and created a commission composed of the chairman of the board of county commissioners of each of the counties in which any of the lands to be included in the proposed reclamation district are situated, and of the state director of ~~((conservation and development and/or such members of the Columbia Basin commission or its representatives as may by him be designated))~~ ecology, which commission shall consider and determine said petition.

Sec. 71. Section 20, chapter 254, Laws of 1927 as amended by section 6, chapter 149, Laws of 1933 and RCW 89.30.058 are each amended to read as follows:

The state director of ~~((conservation and development, or a member of the Columbia Basin commission designated by him;))~~ ecology shall be ex officio chairman of said commission, and the clerk of the county board of the county in which the petition is filed, shall be ex officio clerk of said commission. A majority of the members of said commission shall constitute a quorum for the transaction or exercise of any of its powers, functions, duties and business.

Sec. 72. Section 24, chapter 254, Laws of 1927 as amended by section 7, chapter 149, Laws of 1933 and RCW 89.30.070 are each amended to read as follows:

Except as otherwise herein provided the necessary expenses of the commission and of the members thereof in performing the duties and functions of said commission shall be borne by the respective counties concerned in proportion to the taxable value of the acreage of each included in the proposed reclamation district and said respective counties are hereby made liable for such expenses. The individual expenses of the state director of (~~conservation and development or his representatives~~) ecology shall be borne by the state.

Sec. 73. Section 13, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.041 are each amended to read as follows:

All persons using or claiming the right to withdraw or divert and make beneficial use of public surface or ground waters of the state, except as hereinafter provided in this section, shall file with the department of (~~water resources~~) ecology not later than June 30, 1974, a statement of claim for each water right asserted on a form provided by the department. This section shall not apply to any water rights which are based on the authority of a permit or certificate issued by the department of (~~water resources~~) ecology or one of its predecessors.

Sec. 74. Section 15, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.061 are each amended to read as follows:

Filing of a statement of a claim shall take place and be completed upon receipt by the department of (~~water resources~~) ecology, at its office in Olympia, of an original statement signed by the claimant or his authorized agent, and two copies thereof. Any person required to file hereunder may file through a designated representative. A company, district, public or municipal corporation, or the United States when furnishing to persons water pertaining to water rights required to be filed under RCW 90.14.041, shall have the right to file one claim on behalf of said persons on a form prepared by the department for the total benefits of each person served; provided that a separate claim shall be filed by such company, district, public or private corporation, or the United States for each operating unit of the filing entity providing such water and for each water source. Within thirty days after receipt of a statement of claim the department shall acknowledge the same by a notation on one copy indicating receipt thereof and the date of receipt, together with the wording of the first sentence of RCW 90.14.081, and shall return said copy by certified or registered mail to the claimant at the address set forth in the statement of claim. No statement of claim shall be accepted for filing by the department of (~~water resources~~) ecology unless accompanied by a two dollar filing fee.

Sec. 75. Section 18, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.091 are each amended to read as follows:

For the purpose of RCW 90.14.031 through 90.14.121 the following words and phrases shall have the following meanings:

(1) "Statement of taxes due" means the statement required under RCW 84.56.050.

(2) "Notice in writing" means a notice substantially in the following form:

WATER RIGHTS NOTICE

Every person, including but not limited to an individual, partnership, association, public or private corporation, city or other municipality, county, state agency and the state of Washington, and the United States of America, when claiming water rights established under the laws of the state of Washington, are hereby notified that all water rights or claimed water rights relating to the withdrawal or diversion of public surface or ground waters of the state, except those water rights based upon authority of a permit or certificate issued by the department of ~~((water resources))~~ ecology or one of its predecessors, must be registered with the department of ~~((water resources))~~ ecology, Olympia, Washington not later than June 30, 1974. FAILURE TO REGISTER AS REQUIRED BY LAW WILL RESULT IN A WAIVER AND RELINQUISHMENT OF SAID WATER RIGHT OR CLAIMED WATER RIGHT. For further information contact the Department of ~~((Water Resources))~~ Ecology, Olympia, Washington, for a copy of the act and an explanation thereof.

Sec. 76. Section 19, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.101 are each amended to read as follows:

To insure that all persons referred to in RCW 90.14.031 and 90.14.041 are notified of the registration provisions of this chapter, the department of ~~((water resources))~~ ecology is directed to give notice of the registration provisions of this chapter as follows:

(1) It shall cause a notice in writing to be placed in a prominent and conspicuous place in all newspapers of the state having a circulation of more than fifty thousand copies for each week day, and in at least one newspaper published in each county of the state, at least once each year for five consecutive years.

(2) It shall cause a notice substantially the same as a notice in writing to be broadcast by each commercial television station operating in the United States and viewed in the state, and by at least one commercial radio station operating from each county of the state having such a station regularly at six month intervals for five consecutive years.

(3) It shall cause a notice in writing to be placed in a prominent and conspicuous location in each county court house in the state.

(4) The county treasurer of each county shall enclose with each mailing of one or more statements of taxes due issued in 1972 a copy of a notice in writing and a declaration that it shall be the duty of the recipient of the statement of taxes due to forward the notice to the beneficial owner of the property. A sufficient number of copies of the notice and declaration shall be supplied to each county treasurer by the director of ~~((the department of water resources))~~ ecology before the fifteenth day of January, 1972. In the implementation of this subsection the department of ~~((water resources))~~ ecology shall provide reimbursement to the county treasurer for the reasonable additional costs, if any there may be, incurred by said treasurer arising from the inclusion of a notice in writing as required herein.

(5) It shall provide copies of the notice in writing to the press services with offices located in Thurston county during January of the years 1970, 1971, 1972, 1973 and 1974.

The director of the department may also in his discretion give notice in any other manner which will carry out the purposes of this section. Where notice in writing is given pursuant to subsections (1) and (3) of this section, RCW 90.14.041, 90.14.051 and 90.14.071 shall be set forth and quoted in full.

Sec. 77. Section 20, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.111 are each amended to read as follows:

The department of ~~((water resources))~~ ecology is directed to establish a registry entitled the "Water Rights Claims Registry". All claims set forth pursuant to RCW 90.14.041, 90.14.051 and 90.14.061 shall be filed in the registry alphabetically and consecutively by control number, and by such other manner as deemed appropriate by the department.

Sec. 78. Section 2, chapter 105, Laws of 1929 and RCW 90.16.060 are each amended to read as follows:

The license fee herein required shall be paid in advance to the state department of ~~((conservation))~~ ecology and shall be accompanied by written statement, showing the extent of the claim. Said statement shall set forth the name and address of the claimant, the name of the stream from which the water is appropriated or claimed for power development, a description of the forty acres or smallest legal subdivision in which the point of diversion and point of return are located, the date of the right as claimed, the maximum amount of water claimed, expressed in cubic feet per second of time, the total average fall utilized under such claim, the manner of developing power and the use to which the power is applied. If the regular flow is supplemented by water stored in a reservoir, the location of such reservoir, its capacity in acre feet, and the stream from which it is filled and fed, should be given, also the date of the right as claimed for storage purposes.

Should any claimant fail or neglect to file such statement within the time specified, or fail or neglect to pay such fees within the time specified,

the fees due and payable shall be at the schedule rates set out in RCW 90.16.050, increased twenty-five percent, and the state shall have preference lien therefor, with interest at the rate of ten percent per annum from the date of delinquency, upon the property of claimant used or necessary for use in the development of the right or claim, together with any improvements erected thereon for such development, and upon request from the director of ~~((conservation))~~ ecology the attorney general shall proceed to foreclose the lien, and collect the amount due, as herein provided, in the same manner as other liens for general state and county taxes on real property are foreclosed.

The filing of a claim to water in excess of the amount to which the claimant is legally entitled shall not operate to vest in such claimant any right to the use of such excess water, nor shall the payment of the annual license fees, provided for herein, operate to vest in any claimant any right to the use of such water beyond the amount to which claimant is legally entitled. The filing of such claim, or claims to water shall be conclusive evidence of abandonment by the claimant of all right to water for power purposes not covered by the claim, or claims, as filed; and the failure to file statement and pay the fees, as herein required, for any power site or claim of power rights on account of riparian ownership within two years after ~~((the passage of this act))~~ June 12, 1929, shall be conclusive evidence of abandonment. The amount of the theoretical horsepower upon which fees shall be paid ~~((under the provision of this act,))~~ shall be computed by multiplying the maximum amount of water claimed, expressed in cubic feet per second of time, by the average fall utilized, expressed in feet, and dividing the product by 8.8.

Sec. 79. Section 3, chapter 105, chapter 1929 as last amended by section 39, chapter 106, Laws of 1973 and RCW 90.16.090 are each amended to read as follows:

All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation revolving ~~((fund))~~ account and subject to legislative appropriation, be allocated and expended by the director of ~~((the department of conservation))~~ ecology for investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys: PROVIDED, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys.

**Sec. 80. Section 3, chapter 284, Laws of 1969 ex. sess. as amended by section 103, chapter 109, Laws of 1987 and by section 96, chapter 506, Laws of 1987 and RCW 90.22.010 are each reenacted to read as follows:*

The department of ecology may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of ecology shall, when requested by the department of fisheries or the department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or if the department of ecology finds it necessary to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request or determination. Any request submitted by the department of fisheries or department of wildlife shall include a statement setting forth the need for establishing a minimum flow or level. When the department acts to preserve water quality, it shall include a similar statement with the proposed rule filed with the code reviser. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

**Sec. 80 was vetoed, see message at end of chapter.*

Sec. 81. Section 5, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.030 are each amended to read as follows:

The establishment of levels and flows pursuant to RCW 90.22.010 shall in no way affect existing water and storage rights and the use thereof, including but not limited to rights relating to the operation of any hydro-electric or water storage reservoir or related facility. No right to divert or store public waters shall be granted by the department of (~~water resources~~) ecology which shall conflict with regulations adopted pursuant to RCW 90.22.010 and 90.22.020 establishing flows or levels. All regulations establishing flows or levels shall be filed in a "Minimum Water Level and Flow Register" of the department of (~~water resources~~) ecology.

Sec. 82. Section 6, chapter 107, Laws of 1939 and RCW 90.24.050 are each amended to read as follows:

In the event the court shall find that to protect fish and game fish in said lake that fish ladders or other devices should be constructed therein or that other construction shall be necessary in order to maintain the determined lake level, the court shall find the proper device to be constructed, the probable cost thereof and by its order and judgment shall apportion the cost thereof among the persons whose property abuts on said lake in proportion to the lineal feet of waterfront owned by each, which sum so found shall constitute a lien against said real property and shall be paid to the county treasurer and by him placed in a special fund to be known as "Lake

..... Improvement Fund." The ~~((supervisor of water resources))~~ director of ecology shall appoint a suitable person to be compensated by the property owners to regulate the determined level as decreed by the court.

Sec. 83. Section 4, chapter 13, Laws of 1933 ex. sess. and RCW 90.40.090 are each amended to read as follows:

An application filed by the ~~((Columbia Basin Commission))~~ department of ecology or its assignee, the United States Bureau of Reclamation, for a permit to appropriate waters of the Columbia River under chapter 90.03 RCW, for the development of the Grand Coulee project shall be perfected in the same manner and to the same extent as though such appropriation had been made by a private person, corporation or association, but no fees, as provided for in RCW 90.03.470, shall be required.

NEW SECTION. Sec. 84. (1) The following sections are recodified as sections in chapter 43.21A RCW: RCW 43.21.110, 43.21.130, 43.21.140, 43.21.160, 43.21.190, 43.21.200, 43.21.220, 43.21.230, 43.21.250, 43.21.260, 43.21.270, 43.21.280, 43.21.290, 43.21.300, 43.21.310, 43.21.320, 43.21.330, 43.21.340, 43.21.350, 43.21.360, 43.21.370, 43.21.380, 43.21.390, 43.21.400, and 43.21.410.

(2) The following sections are recodified as sections in chapter 43.30 RCW: RCW 43.21.050, 43.21.070, 43.21.080, and 43.21.090.

(3) The code reviser shall correct all statutory references to these sections to reflect this recodification.

NEW SECTION. Sec. 85. The following sections are decodified: RCW 43.21.141, 43.21A.060, 43.21A.400, 43.27A.080, 43.27A.120, and 43.27A.180.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

- (1) Section 43.21.010, chapter 8, Laws of 1965 and RCW 43.21.010;
 - (2) Section 43.21.040, chapter 8, Laws of 1965 and RCW 43.21.040;
 - (3) Section 43.21.060, chapter 8, Laws of 1965 and RCW 43.21.060;
 - (4) Section 43.21.210, chapter 8, Laws of 1965 and RCW 43.21.210;
 - (5) Section 43.21.240, chapter 8, Laws of 1965 and RCW 43.21.240;
 - (6) Section 43.49.010, chapter 8, Laws of 1965, section 81, chapter 287, Laws of 1984 and RCW 43.49.010;
 - (7) Section 43.49.020, chapter 8, Laws of 1965 and RCW 43.49.020;
 - (8) Section 43.49.030, chapter 8, Laws of 1965 and RCW 43.49.030;
 - (9) Section 43.49.040, chapter 8, Laws of 1965 and RCW 43.49.040;
 - (10) Section 43.49.050, chapter 8, Laws of 1965 and RCW 43.49.050;
 - (11) Section 43.49.060, chapter 8, Laws of 1965 and RCW 43.49.060;
- and

(12) Section 43.49.070, chapter 8, Laws of 1965, section 56, chapter 75, Laws of 1977 and RCW 43.49.070.

EXPLANATORY NOTE

The state reclamation board was abolished and its powers and duties were transferred to the department of conservation and development by 1921 c 7. The department of conservation and development was renamed the department of conservation by 1957 c 215. The department of conservation, the weather modification board, the Columbia basin commission, and the power advisory committee were abolished by 1967 c 242. Most of their powers and duties were transferred to the newly created department of water resources, but the mining and geology powers and duties of the department of conservation were transferred to the department of natural resources. The department of water resources, the water pollution control commission, and the air pollution control board were abolished by 1970 ex.s. c 62 and their powers and duties were transferred to the newly created department of ecology. In addition, 1970 ex.s. c 70 provided that references to the department of environmental quality meant the department of ecology. See RCW 43.21A.400.

The reclamation revolving fund was redesignated the reclamation revolving account by 1972 ex.s. c 51 § 2, and its moneys transferred to the reclamation revolving account. See RCW 43.79.330 and 89.16.020.

This act corrects references to these abolished agencies and their divisions and officers. In addition, this act eliminates chapter 43.21 RCW, the department of conservation, and chapter 43.49 RCW, the Columbia basin commission, and recodifies all non-obsolete sections of chapter 43.21 RCW into the chapters on the department of ecology or the department of natural resources, as appropriate.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 18, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 18, 1988.

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

"I am returning herewith, without my approval as to section 80, Senate Bill 6370, entitled:

"AN ACT Relating to obsolete references involving state agencies."

Section 80 reenacts RCW 90.22.010, which was amended by both Chapter 109 and Chapter 506, Laws of 1987, without reference to each other. This same statute is amended and re-enacted by Section 6 of Engrossed Second Substitute Senate Bill 6724, which I have signed into law. In order to avoid further confusion, I am vetoing section 80.

With the exception of section 80, Senate Bill 6370 is approved."

CHAPTER 128

[Senate Bill No. 6372]

NATURAL RESOURCE AGENCIES—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to obsolete statutory references involving natural resource agencies; amending RCW 11.08.160, 11.08.220, 11.08.270, 17.04.030, 17.06.030, 28B.30.310, 36.35.080, 37.08.220, 37.08.250, 43.30.150, 70.77.495, 76.01.010, 76.01.040, 76.01.050, 76.06.020, 76.06.030, 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, 76.12.020, 76.12.030, 76.12.040, 76.12.045, 76.12.070, 76.12.080, 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.140, 76.12.155, 76.12.160, 76.12.170, 76.14.010, 76.14.030, 76.14.040, 76.14.050, 76.14.060, 76.14.070, 76.14.080, 76.14.090, 76.14.100, 76.14.110, 76.36.130, 76.36.140, 78.52.020, 79.01.048, 79.01.052, 79.01.068, 79.01.072, 79.01.094, 79.01.152, 79.01.500, 79.01.708, 79.01.712, 79.08.104,