

violations bureau. The workload of both departments of this court is so heavy that its proper administration has been a matter of concern to many lawyers and judges, as well as to members of the legislature.

"I believe that the legislature is properly concerned that the average citizen normally has his first, and perhaps his only, contact with our judicial system when he is charged with a traffic offense. These offenses are not to be treated lightly, for traffic violations are a principal cause of our mounting traffic death toll. In addition, the initial contact with the traffic court will to a large extent influence the citizen's respect for the law, which is one of the cornerstones of an orderly society.

"In this bill the legislature has attempted to improve the administration of the traffic court by rotating the three judges so that each of them will handle traffic cases two-thirds of the time and criminal cases one-third of the time. The bill also provides for a change of venue of cases from one department of the court to the other.

"I have no objection to the change of venue provisions; but based upon extensive discussions which members of my staff have had with judges and attorneys familiar with the operation of the municipal court, I believe the rotation plan might seriously disrupt the operations of the criminal department of the court and particularly its probation work.

"Therefore, I have vetoed the portion of section 2 which provides: 'The municipal judges elected as hereinafter provided shall preside over the departments on a rotating basis with each judge to preside over each department for four months during each year. The scheduling of such rotation and the other details thereof shall be decided at the meetings of the judges as hereinafter provided for.'

"Despite my veto of the above provision, I believe that the motives of legislature in seeking to improve the operations of the municipal court are commendable, and that efforts to improve the court should continue. I recommend that the Judicial Council, which will now include additional legislators and a member of the Magistrates Association, make an intensive study of the municipal court system during the next two years. If further legislation is necessary to improve its operation, the Judicial Council should submit its recommendations to the 1969 Legislature.

"Except for the item which I have vetoed, the remainder of Senate Bill No. 328 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 242.

[Senate Bill No. 143.]

ADMINISTRATION OF STATE WATER RESOURCES.

AN ACT relating to state government; providing for the administration of the state water resources; establishing a department of water resources and a water resources advisory council of the state of Washington; abolishing certain state agencies; transferring powers, duties and functions of the abolished agencies to the department of water resources or department of natural resources; granting addi-

tional powers to the department of water resources; setting forth the powers of the water resources advisory council to the department of water resources; providing for the financing of the new agency; amending section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010; amending section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020; and declaring an effective date.

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

Section 1. The purpose of this act is to provide for a more effective and efficient program for management, conservation, utilization, adjudication, planning and development of the water resources of the state by consolidating into a department of water resources certain powers, duties and functions now vested with various state agencies, and by providing a council of advisors to assist the director of the department.

Administra-
tion of state
water re-
sources—Dec-
laration of
purpose.

Sec. 2. As used in this 1967 amendatory act, and unless the context indicates otherwise, words and phrases shall mean:

Definitions.

“Department” means the department of water resources;

“Director” means the director of the department of water resources;

“State agency” and “state agencies” mean any branch, department or unit of state government, however designated or constituted;

“Water resources” means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

“Beneficial use” means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

“Council” means the water resources advisory council.

Department of water resources—Creation.

Sec. 3. There is established a department of state government to be known as the department of water resources.

Director—Powers and duties.

Sec. 4. The executive head of the department shall be the director of water resources. The director shall have complete charge of and supervisory powers over the department. He shall, through the several divisions of the department, exercise all powers and perform all duties prescribed by law with respect to the adjudication, conservation, utilization, planning, development and management of the state’s waters.

The director shall be the primary representative of the governor and the state with respect to all water resources matters affecting the state, and in the exercise of his powers he shall give full consideration to the views and needs of other departments of state government.

The director shall be appointed by the governor with the consent of the senate, and be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040.

Advisory council—Members.

Sec. 5. In order to provide advice and guidance to the director of water resources, and to better coordinate the department with other state agencies having responsibilities affecting the state’s water resources, there is created a water resources advisory council. The advisory council shall be composed of eleven members to be selected as follows:

- (1) the director of the pollution control commission;
- (2) the director of the department of health;
- (3) the director of the department of fisheries;
- (4) the director of the department of water resources;

- (5) the director of the department of game; and
- (6) six other persons representing the public interest who shall be selected by the governor and serve continuously during the full length of the appointing governor's term or terms of office, and until a replacement appointment has been made. Should any vacancy occur under this subsection, a replacement appointment for the balance of the term shall be made by the governor within ninety days.

The chairman of the council shall be the director of the department of water resources, and he shall conduct the council's meetings in accordance with such rules as the council may prescribe. Complete minutes shall be taken at each regular meeting, and copies thereof shall be made available on request to any interested person.

Sec. 6. The advisory council shall meet monthly at a date, time, and place of its choice, and also at such other times as shall be designated by the director. For every meeting of the committee actually attended by a committee member who is not otherwise employed by the state or some subdivision thereof, such committee member shall receive compensation in the amount of fifty dollars per day, together with a mileage and per diem allowance as authorized for other state employees by RCW 43.03.050 and 43.03.060.

Advisory
council—
Meetings—
Compensation.

Sec. 7. The department of water resources shall be organized into divisions, including:

- (1) The division of water management;
- (2) The division of planning and development;
- (3) The division of adjudications;

such divisions shall be supervised by an assistant director, appointed by and serving at the pleasure of the director.

Department of
water re-
sources—Divi-
sions.

Sec. 8. The department shall exercise the powers, duties and functions, through divisions as provided

Department of water resources—Powers and duties—Transfers from other agencies.

for in section 7 of the following state agencies or division of state agencies, and public officials, and all their powers, duties and functions are transferred to the department of water resources:

- (1) The division of reclamation of the department of conservation;
- (2) The division of water resources of the department of conservation;
- (3) The division of flood control of the department of conservation;
- (4) The division of power resources of the department of conservation;
- (5) The Columbia basin commission;
- (6) The weather modification board;

All other powers, duties or functions now vested in the department of conservation or the director thereof are transferred to the department of water resources, except those powers which are expressly transferred to some other agency of the state by this act. The director in exercising the powers, duties and functions of the Columbia basin commission as set forth in chapter 43.49 RCW may create and maintain in the department a Columbia basin division.

Department of water resources—Additional powers.

Sec. 9. Notwithstanding, and in addition to powers, duties, and functions previously transferred to the department under this act, 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 act.

(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 act 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 objec-

Department of
water re-
sources—
Additional
powers.

tives. 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 act.

(12) To hold public hearings, and make such

investigations, studies and surveys as are necessary to carry out the purposes of the act.

(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. 10. It shall be the duty of the members of the advisory council to advise the director on each of the following subjects: Duties of advisory council.

(1) Rules and regulations proposed for promulgation by the director pursuant to chapter 34.04 RCW;

(2) Proposed positions 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 development, use, conservation or preservation of the water resources of the state;

(3) Any comprehensive water resources plan or policy proposed for adoption by the department as a state plan for water resources;

(4) Any legislation proposed by the department with regard to water resources and its management;

(5) Any other matters relating to the administration and management of water resources as requested by the director.

Sec. 11. Each member of the council shall submit to the director in writing his individual views within such time as the director shall prescribe, and in performing its duties, the council may conduct such public hearings and make such investigations as it deems necessary. The director shall include in

Advisory
council—De-
partment—Re-
ports.

his annual report to the governor a summary of the advice rendered by the council.

RCW 43.17.010
amended.

Sec. 12. Section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010 are each amended to read as follows:

State depart-
ments.

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

NOTE: See also section 12, chapter 26, Laws of 1967 ex. sess.

RCW 43.17.020
amended.

Sec. 13. Section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020 are each amended to read as follows:

Chief execu-
tive officers of
state.

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

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

NOTE: See also section 13, chapter 26, Laws of 1967 ex. sess.

Sec. 14. The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to mining powers, duties, and functions as set forth in RCW 43.21.060, 43.21.070, 43.21.080, and 43.21.090, and Title 78, and such powers, duties, and functions are hereby transferred to the department of natural resources.

Natural resources exercise of mining and geology powers.

Sec. 15. 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 Title 43.92, 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 complete inventories of the state's water resources and entering 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.

Natural resources exercise of mining and geology powers.

Sec. 16. On July 1, 1967, all reports, documents, surveys, books, records, files, papers, or other writing; all cabinets, furniture, office equipment, motor

Transfer of reports, equipment, etc. of department of conservation.

vehicles and other tangible property, and all funds heretofore in possession or control, used or held in the exercise of the powers and the performance of the powers, duties, and functions transferred herein, of the department of conservation shall hereafter be in the custody of the department of water resources or the department of natural resources as appropriate. On July 1, 1967, all personnel of the department of conservation are transferred to the department of water resources or the department of natural resources. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW without any loss of rights granted therein: *Provided*, That employees with six months' continuous service in exempt positions immediately prior to the effective date of this act, transferred into classified positions as a result of this act, shall receive permanent status in such positions on the effective date of this act; otherwise such employees shall be required to serve six months' probationary period from the effective date of this act.

Transfer of appropriations.

Sec. 17. The appropriations made to the agencies abolished by this act shall be transferred to and made available to the department. Appropriations for the exercise of powers, duties, and functions transferred from agencies that are not abolished by this act shall be transferred to and made available to the appropriate agency in accordance with the provisions of section 18 of this act.

Apportionment of appropriations.

Sec. 18. The transfer of equipment, funds, and appropriations from agencies that are not abolished by this 1967 amendatory act, shall be accomplished by apportionments among the several agencies based upon the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments

to the agencies affected and to the state auditor, the state treasurer, and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

Sec. 19. All rules and regulations, and all pending business before the affected state agencies as of July 1, 1967, shall be continued and acted upon by the department of natural resources or the department of water resources, as appropriate.

Rules and regulations of abolished agencies—Savings.

Neither the abolishment nor transfer of any agency, nor any transfer of powers, duties, and functions shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this act.

Sec. 20. On July 1, 1967, the following state agencies are abolished:

State agencies abolished.

- (1) Weather modification board
- (2) Columbia basin commission
- (3) Power advisory committee
- (4) Department of conservation

Sec. 21. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of this act, or the application to other persons or circumstances, is not affected.

Severability.

Sec. 22. The rule of strict construction shall have no application to this 1967 amendatory act, but the same shall be liberally construed, in order to carry out the purposes and objectives for which this act is intended.

Construction.

Sec. 23. The effective date of this act will be July 1, 1967.

Effective date.

Passed the Senate February 15, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967.